

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Kimberly Hyatt

Write the full name of each plaintiff.

CV

(Include case number if one has been assigned)

-against-

Do you want a jury trial?

Rose Associates Inc., Rose Associate Capital

☒ Yes ☐ No

Group LLC, Amy Rose, Frank Balogh,

Kathy Panaro, Adam Heaven & Kyle Maldiner

Write the full name of each defendant. The names listed above must be identical to those contained in Section I.

EMPLOYMENT DISCRIMINATION COMPLAINT

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

2023 APR 11 PM 12:02

**I. PARTIES****A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Kimberly		Hyatt
First Name	Middle Initial	Last Name
25-19 Curtis Street,		
Street Address		
Flushing	New York	11369
County, City	State	Zip Code
347-742-3152	kimmhyatt@gmail.com	
Telephone Number	Email Address (if available)	

**B. Defendant Information**

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant 1:	Rose Associates Inc. <del>Rose Associates Capital Corp.</del> <i>KH</i>
	Name
	777 Third Ave., 6th Floor
	Address where defendant may be served
	New York NY 10017
	County, City State Zip Code
Defendant 2:	Amy Rose, Frank Delegh, Kathy Panaro, Adam Heaven, Kyle Maldiner of Rose Associates Inc. <i>KH</i>
	Name
	777 Third Ave., 6th Floor
	Address where defendant may be served
	New York NY 10017
	County, City State Zip Code

**I. PARTIES****A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

First Name	Middle Initial	Last Name
Street Address		
County, City	State	Zip Code
Telephone Number	Email Address (if available)	

**B. Defendant Information**

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant <del>1</del>	<u>Frank Balogh</u> Name <u>777 3<sup>rd</sup> Ave 6<sup>th</sup> Floor</u> Address where defendant may be served <u>New York</u> <u>NY</u> <u>10017</u> County, City State Zip Code		
Defendant <del>2</del>	<u>Kathy Panaro</u> Name <u>777 3<sup>rd</sup> Ave 6<sup>th</sup> Floor</u> Address where defendant may be served <u>New York</u> <u>NY</u> <u>10017</u> County, City State Zip Code		

**I. PARTIES****A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

First Name

Middle Initial

Last Name

Street Address

County, City

State

Zip Code

Telephone Number

Email Address (if available)

**B. Defendant Information**

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant ~~1~~

Adam Heaven

Name

777 3<sup>rd</sup> Ave. 6<sup>th</sup> Floor

Address where defendant may be served

New York

County, City

ny

State

10017

Zip Code

Defendant ~~2~~

Kyle Martiner

Name

777 3<sup>rd</sup> Ave. 6<sup>th</sup> Floor

Address where defendant may be served

New York

County, City

ny

State

10017

Zip Code

Defendant 3:

Rose Associates Capital Group LLC  
 Name  
777 3rd Ave. 6<sup>th</sup> Floor  
 Address where defendant may be served  
New York NY 10017  
 County, City State Zip Code

**II. PLACE OF EMPLOYMENT**

The address at which I was employed or sought employment by the defendant(s) is:  
Rose Associates Inc.,

777 Third Avenue, 6th Floor  
 Address  
New York NY 10017  
 County, City State Zip Code

**III. CAUSE OF ACTION****A. Federal Claims**

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☒ **Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin**

The defendant discriminated against me because of my (check only those that apply and explain):

- ☒ race: My braids (Hair Texture, stereotyped)  
☒ color: Black  
☐ religion: \_\_\_\_\_  
☐ sex: \_\_\_\_\_  
☒ national origin: Jamaican

- ☒ **42 U.S.C. § 1981**, for intentional employment discrimination on the basis of race

My race is: Jamaican

- ☐ **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: \_\_\_\_\_

- ☐ **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: \_\_\_\_\_

- ☐ **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: \_\_\_\_\_

- ☐ **Family and Medical Leave Act of 1993**, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons

**B. Other Claims**

In addition to my federal claims listed above, I assert claims under:

- ☒ **New York State Human Rights Law**, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status
- ☒ **New York City Human Rights Law**, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status
- ☐ Other (may include other relevant federal, state, city, or county law):

#### IV. STATEMENT OF CLAIM

##### A. Adverse Employment Action

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

- ☐ did not hire me
- ☒ terminated my employment
- ☐ did not promote me
- ☐ did not accommodate my disability
- ☐ provided me with terms and conditions of employment different from those of similar employees
- ☒ retaliated against me
- ☒ harassed me or created a hostile work environment
- ☒ other (specify): Terminated the defendant 1 week before bonus and raise distribution.

##### B. Facts

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.

Please see attached.

As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

## V. ADMINISTRATIVE PROCEDURES

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

☒ Yes (Please attach a copy of the charge to this complaint.)

When did you file your charge? 2/7/2022

☐ No

Have you received a Notice of Right to Sue from the EEOC?

☒ Yes (Please attach a copy of the Notice of Right to Sue.)

What is the date on the Notice? 1/12/2023

When did you receive the Notice? \_\_\_\_\_

☐ No

## VI. RELIEF

The relief I want the court to order is (check only those that apply):

☐ direct the defendant to hire me

☐ direct the defendant to re-employ me

☐ direct the defendant to promote me

☐ direct the defendant to reasonably accommodate my religion

☐ direct the defendant to reasonably accommodate my disability

☒ direct the defendant to (specify) (if you believe you are entitled to money damages, explain that here)

Please see attached.



**VII. PLAINTIFF'S CERTIFICATION**

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

4/6/2023

Dated

Kimberly

Plaintiff's Signature

Hyatt

First Name

Middle Initial

Last Name

25-19 Curtis Street

Street Address

Queens, Flushing

New York

11369

County, City

State

Zip Code

347-742-3152

kimmhyatt@gmail.com

Telephone Number

Email Address (if available)

I have read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☒ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

UNITED STATES DISTRICT  
COURT SOUTHERN DISTRICT  
OF NEW YORK

----- x  
**KIMBERLY HYATT,**

Index No. \_\_\_\_

Plaintiff,

**COMPLAINT**

-against-

**JURY TRIAL DEMANDED**

**ROSE ASSOCIATES INC., ROSE ASS. CAPITAL GROUP LLC,  
AMY ROSE, FRANK, BALOGH, KATHY, PARANO,  
ADAM HEAVEN, KYLE MALDINER**

Defendant.  
----- x

**(Race, Color and National Origin Discrimination and Retaliation)**

WHEREFORE, Plaintiff, Kimberly Hyatt, (Currently proceeding Pro Se) respectfully brings this action against defendant Rose Associates Inc. ("defendant" or "Rose "), upon her experience and knowledge of events, alleges as follows:

**PRELIMINARY STATEMENT**

Plaintiff Kimberly Hyatt brings this action for compensatory damages and punitive Damages due the economic loss and emotional distress caused by Defendant's unlawful employment practice committed against plaintiff. The defendant retaliated against the plaintiff for her numerous complaints of discriminatory practices by terminating her employment which is in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §1981 and 1981a and The Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., as amended by the Civil Rights Act of 1991. Equitable and other relief is sought under 42 U.S.C. 2000e-5(g).

**PARTIES**

1. Plaintiff Kimberly Hyatt resides in the County of Queens, NY
2. Defendant Rose Associates Inc., a family owned and managed property management company located in the County of Manhattan, NY 10017

### **JURISDICTION AND VENUE**

3. This court has jurisdiction over the subject matter of this complaint under Title VII, Civil Rights Act of 1964, 42 U.S.C. §1981 and 1981a and The Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. U.S.C. § 2000e-5(f)(3).
  1. Venue is proper in this District because the claims arose in the Southern District of New York as the defendant offices are located within the county and the terms of employment was in the county of Manhattan, NY.
  2. All conditions precedent to filing the suit has been fulfilled. On or about February 7, 2022, Plaintiff filed a timely Charge of Discrimination with the U.S. Equal Employment Opportunity Commission ("EEOC"). The Charge of Discrimination was cross-filed with the New York State Division of Human Rights. On or about January 12, 2023, the EEOC issued Plaintiff a Right to Sue Notice. This action was filed within 90 days of Plaintiffs receipt of the Notice of Right to Sue. Annexed hereto, and hereby incorporated into this Complaint, as Exhibit A, is a copy of Plaintiffs Notice of Right to Sue.

### **STATEMENT OF FACTS**

4. Plaintiff is a U.S. Citizen of the United States who identifies as a black woman, of Jamaican race and origin and resides in the county of Queens NY. She is an educated paralegal with a concentration in commercial real estate and commercial real estate law which invoked the defendant's interest of hiring her for a senior position as commercial lease analyst working remotely to implement rules and procedures regarding their MRI software regarding accounts receivables, cash receipts and lease abstraction with a starting salary of \$82,000. The plaintiff was employed by Rose Associates between 9/21/2020 through her wrongful termination on 5/28/2021 reporting to manager Adam Heaven (who started with Rose 6/2020). Mr. Heaven praised the Plaintiff at the end of her 1st week of employment for the a great job she has done regarding her analytical and reconciliation skills, her knowledge of the MRI software system and her keen eye to error and problem solving. He also stated to the plaintiff he now knew he made the right decision to hire her as he was struggling with the company's software and could not produce them expeditiously when requests and deadlines needed to be met. Mr. Heavens compliments pertaining to the plaintiffs work and work ethics, made the plaintiff even more eager to continue that same momentum and dedication she has displayed as she loved her work. (Exhibit A)
5. The plaintiff was directed to Kathy Panaro by Mr. Heaven as he stated she was the new Accounts Receivable manager as she was recently promoted from the current position that the plaintiff was hired to do as Commercial Lease Analyst. Ms. Panaro is a middle-aged Caucasian woman.
6. On or around September 30, 2020, The plaintiff reached out to Kathy Panaro for guidance regarding procedures, instructions and training and realized it was not a welcoming environment by Ms. Panaro. The plaintiff noted Ms. Panaro short and abrupt behavior towards her and asked Ms. Panaro did she catch her at a bad time? Ms. Panaro response was "No, let's just get this over with. Just slow down your words cause your accent makes it hard to understand. The plaintiff was immediately offended as she was speaking English to Ms. Panaro and no other language but decided not to make it an issue of the comment as this was only her 2nd week with the company and wanted to stay in the good graces of her manager.

7. On October 8th 2020, the plaintiff called Ms. Panaro and asked her when she would be available to go over some work related items that didn't seem correct and wanted to ensure the accuracy. Ms. Panaro told Ms. Hyatt in a rude and condescending tone that "She was a big girl and can figure it out on her own like she did as no one showed her what to do. No one held her hand so I should be ok". Ms. Hyatt was at lost for words, as that was not the answer or mentorship she was looking for as she was already dealing with a tragic event that had happened the previous week and wanted to ensure she still remained focused as it was only my 2nd to 3rd week. She decided to end the phone call with Ms. Panaro as she realized she would be of no assistance to her. Ms. Hyatt was left to figure it out on her own and made her own way as she had no one else to turn to.
8. On or around 10/23/2020, Mr. Heaven contacted Ms. Hyatt via zoom and asked her to contact Ms. Panaro regarding needed tax information and where we could locate the needed files. Ms. Hyatt brought it to Mr. Heaven attention on 10/23/2020 that she did not feel comfortable going to Ms. Panaro for assistance as she has been rude and dismissive to her in the past. Mr. Heaven then told Ms. Hyatt that the 2 of them would figure it out together. He then asked Ms. Hyatt to call him on his cell phone going forward with any issues so we can discuss it and work it out as we were new employees and everything is monitored due to us working from home.
9. On or around 11/18/2020 was Ms. Hyatt's 1st time visiting Rose Associates Corporate office located 777 3rd Ave, 6th Floor, New York, NY, 10017 as she were to meet with her manager and work colleagues for the 1st time, however, Mr. Heaven suddenly couldn't make it. Ms. Hyatt made it a priority to find out where Ms. Panaro sat to introduce herself in person as she thought that would help with the hostility she felt coming from Ms. Panaro. Ms. Hyatt states she said hello to Ms. Panaro and let her know it was Ms. Hyatt in the flesh and just blankly stared at her and then to her blonde braids and asked Ms. Hyatt how did she find where she sat? Ms. Hyatt told her from the office map and that Adam wouldn't be in that day and if she needed her she would be at her desk. Later on that day, in a meeting with Ms. Panaro and 2 members of the executive team ( Brian Peters -COO, and Mitch Gelberg – Senior Managing Director) and accused Ms. Hyatt of entering amendments and lease incorrectly into the MRI software system. Ms. Hyatt explained to upper management she didn't recall entering the documents into the system, however to please allow her a few minutes to review as she could check the system to see as the employees user Id would be recorded there. Ms. Panaro immediately jumps up and tell Ms. Hyatt "Well, you can't tell who enters these things in the system." Due to Ms. Hyatt expertise knowledge of the MRI software, she explained to Ms. Panaro she was incorrect and then provided evidence that Ms. Panaro user Id information was recorded on the incorrect files and not Ms. Hyatt's. Ms. Panaro only response to Ms. Hyatt was " Oh, Ok, Moving along." and walked off from Ms. Hyatt without even apologizing.
10. On or around 11/19/2020, Ms. Hyatt informs Mr. Heaven on the events that took place the day before. Ms. Hyatt states Mr. Heaven shook his head and admitted he didn't even know MRI like that much less to even locate and review that information.
11. On or around 1/14/2021 Ms. Hyatt notifies Mr. Heaven immediately that work that has been started, not completed or has been entered incorrectly by Ms. Panaro and when it is brought to her attention she tells Ms. Hyatt to then go fix it herself if she finds error in it. Mr. Heaven tells Ms. Hyatt he will have a talk with Ms. Panaro.

12. Between 1/18/2021 and 2/15/2021 Ms. Hyatt states she received demeaning and administrative duties from property manager assistants, account assistants ( Eshe Muir, Maiyda, Lynae Green) and multiple departments stating Ms. Panaro told them Ms. Hyatt would take care of their administrative duties. A. Heaven was notified about this immediately and told me he would handle it and it was addressed with Ms. Panaro upper manager, Frank Balogh and our upper manager, Bruce (Retired)
13. On or around February 18, 2021, Ms. Hyatt was very upset and emotional as Ms. Panaro continuously speaks to Ms. Hyatt in a rude, disrespectful and demeaning manner. Ms. Panaro continuously creates false narratives on Ms. Hyatt's behalf to make it look as if she is incompetent to do the job she was hired for.
14. February 18, 2021 Ms. Hyatt called her manager Mr. Heaven and explained to him her frustrations once again. Ms. Hyatt explains to him that she felt she was being set up to fail. Ms. Hyatt states if she can't ask questions, if she can't get help, how can she do her job effectively? Ms. Hyatt states Mr. Heaven then stated on this phone call he agreed with Ms. Hyatt and admitted that Kathy has been out of line and rude to Ms. Hyatt. Ms. Heaven stated he believed it was because Ms. Hyatt knew the system and understood the commercial side of the system better than Ms. Panaro. Ms. Hyatt states she asked Mr. Heaven "Are you sure it isn't a black thing?" Ms. Hyatt states at this point, she strongly felt that her skin color, Jamaican accent & ethnic culture heavily was an issue with Ms. Panaro as she also states she has observed Ms. Panaro on multiple occasions, be polite and courteous to everyone else within Rose Associates that did not look or speak like Ms. Hyatt.
  - Ms. Hyatt states Mr. Heaven's response to her was He didn't feel that way because Rose was well diversified in hiring Afro-American employees. Ms. Hyatt stated she responded to Mr. Heaven that the majority of employees of African descent, were mostly hired as assistants and secretaries.

(Ms. Hyatt states at the time of her employment with Rose associates, that percentile was around 85% or higher.)

Ms. Hyatt stated to Mr. Heaven that her title and role was far from different from the other afro native employees as she was implementing rules, procedures and protocols that Ms. Panaro had to adhere and abide by and which, Ms. Hyatt felt was Ms. Panaro problem. Having to take direction from Ms. Hyatt, considering her appearance, was the main factor in Ms. Panaro repeated offensive and disrespectful behavior and gestures as treating Ms. Hyatt as an assistant or her "the help". Ms. Hyatt states Mr. Heaven remained quiet to her statement stayed quiet. Mr. Heaven states he will be sitting down Frank Balogh regarding the situation Ms. Hyatt brought to his attention, and she should reach out to James Chin for any assistance if needed.
15. On or around, 3/08/2021 Ms. Hyatt has been given additional tasks with little to no training without her knowledge(received from Elle Salamack -onsite Manager and Julie Toole – assistant to J. Salamack for property - 800 Fifth Avenue). When Ms. Hyatt inquired about the additional workload, she was then referred to Ms. Panaro for direction as she previously managed, billed and reconciled the account. Ms. Panaro stated to Ms. Hyatt that to review what was already was in the system and it should be self-explanatory as she was short on time but will get back to the plaintiff once she was done with her meeting and never heard back from her.
16. On or around, 3/12/2021 Ms. Hyatt states she received correspondence from Ms. Salamack asking the status of the workload that was given to MS. Hyatt and the tenant was in a sensitive state with the company as they have been considering since the previous year to change management companies and the account needed to be handled with swiftness and accuracy.



17. On 3/15/2021, Ms. Hyatt emailed management regarding the meeting that took place the previous week regarding the property located at 800 Fifth Avenue. (Exhibit B)
18. On or around 3/17/2021 Ms. Panaro sent an email to upper management, multiple internal and external departments defaming Ms. Hyatt's work ethic and character with lies regarding her entering information incorrectly into the system. Ms. Hyatt stated over and over that Ms. Panaro information was not correct and it was not her who entered the incorrect information. Ms. Panaro continued to badger, insist and falsely accused Ms. Hyatt. Ms. Hyatt decides not to accept this ill treatment and defamation and responds to the entire email chain with evidence and proof to clear her name that it was in fact not her as she was so humiliated and embarrassed by Ms. Panaro in front of her counterparts. (Exhibit C)
19. On or around On or around 3/17/2021 Ms. Hyatt forwarded the email of Ms. Panaro making false accusations to Mr. Heaven and called him to discuss why these ongoing issues with Ms. Panaro haven't been addressed and are getting worst. Once again Mr. Heaven stated he would address this issue and that a meeting regarding these events would take place. (Exhibit D)
20. Staff have not been cooperative in providing Ms. Hyatt with the equitable information that was needed to effectively do her job. (Exhibit E)
21. On or around 4/12/2021 Ms. Hyatt My. was in distress and believed she needed to escalate her grievances herself to upper management (Frank Balogh) herself as she had lost faith in Mr. Heaven resolving the issues that has been taking place since the start of Ms. Hyatt's employment with the defendant. The situation was getting worse by the day as she had now been subjected to bullying, harassment and being belittled by Ms. Panaro. Ms. Hyatt states she heard nothing back from Mr. Balogh. He never responded to or acknowledged Ms. Hyatt's email. (Exhibit F)
22. On or around 4/26/2021, Ms. Hyatt emailed Ms. Panaro and her team to clarify and confirm some items that seem to be recorded incorrectly. Ms. Panaro response to Ms. Hyatt's questions and concerns were rude, condescending, belittling and unprofessional. Ms. Hyatt stated the facts surrounding her question and email. (Exhibit G)
23. At the end of day on 4/26/2021, Ms. Hyatt receive a phone call from Mr. Heaven. Mr. Heaven states that he did not receive a complaint about me or anything in writing but he felt Ms. Hyatt's response to the false accusations in Ms. Parano's email earlier that day was harsh. Mr. Heaven then tried to coerce Ms. Hyatt to apologize to Ms. Parano, however, nothing was said to him about the situation. Ms. Hyatt told him she would not apologize as she did nothing wrong but accurately stated facts, unlike Ms. Parano's email. Ms. Hyatt made Mr. Heaven aware that she was offended by his request herself to never receive an apology for months of false accusations and verbal abuse she had received from Ms. Parano. Mr. Heaven then asks Ms. Hyatt how he can make this better for me going forward. Her response was "fairness and equality". Mr. Heaven fell quiet at 1st and stated he will address it with upper management and that we are all waiting for us to be in the office at the same time.

24. On or around 4/27/202 Ms. Hyatt was so disturbed by the conversation she had the night before with Mr. Heaven, she couldn't sleep and decided to discuss the terms of events that has taken place since being employed by the defendant, with an employment attorney who is a family friend. Ms. Hyatt was then instructed to follow up with an email stating my concerns and what was discussed. Mr. Heaven never responded back to Ms. Hyatt's email. (Exhibit H)
25. On 5/6/2021 Ms. Hyatt decides to go into the office and try to talk to HR as she has not heard anything back from Mr. Balogh and Mr. Heaven regarding the grievances she has reported. Ms. Hyatt tries to speak HR staff Tanisha Day and was redirected to Kyle Maldiner as Ms. Day explained to Ms. Hyatt that she did not handle grievances only hiring. Ms. Hyatt went into Ms. Maldiner's office and felt uneasy as she didn't feel welcomed by Ms. Maldiner so Ms. Hyatt decided not to bring up the grievances at that moment and made up a generic question to ask Ms. Maldiner and then excused herself from her office.
26. On or around 5/21/2021 Ms. Hyatt received multiple inquiries and emails from different departments saying there were some incorrect entries made. Ms. Hyatt became alarmed as she didn't receive any paperwork nor recall making the entry . After researching and doing her due diligence, Ms. Hyatt realized Ms. Parano did the entry. She also discovered that Ms. Parano was secretly working with several internal departments within Rose Associates and Mr. Balogh to correct the error without including or making Ms. Hyatt aware of the issue. Ms. Hyatt contacted upper management as this was a sensitive matter as the client was upset by the errors made on their account.
27. On 5/25/2021 Ms. Hyatt emailed upper management regarding her concerns of exclusion as everyone seemed to be aware of the issue and crisis except Ms. Hyatt. She was then told that Ms. Parano would be more suitable to explain to the client their concerns or questions on the matter.
28. On 5/25/2021 Ms. Hyatt received a zoom meeting invite with Ms. Aysha Leak-Saunders regarding work strategy, ideas and improving how Rose implemented changes and procedures internally. Ms. Leak-Saunders expressed her eagerness to work with Ms. Hyatt on this project as per the positive feedback received by her manager Mr. Heaven and both agreed that Ms. Hyatt would be a great asset for the project.
29. On 5/25/2021 Ms. Hyatt wanted to ensure that the Defendant was billing accurate information prior to an upcoming meeting regarding a disgruntled tenant's account and his accusations of inaccurate billing. Ms. Hyatt received a call back from Frank Balogh, pertaining to a lease clause as they both interpreted differently. Ms. Hyatt was told by Mr. Balogh 3 different times that "We will ask the tenant for clarification considering we both disagreed on the lease language. (Exhibit I)

30. On or around 5/26/2021 Thew zoom call took place with the tenant and Ms. Hyatt respectfully asked the tenant to clarify the lease language that was in question. The tenant, Mr. Lovallo, kindly confirmed that Ms. Hyatt was indeed correct on how she interpreted the lease language. Mr. Matthew Lovallo expressed his displeasure with the defendant and their repeated incompetence pertaining to their account and the delay in billing and receiving information. Mr. Lovallo stated that entries were being made months after months after submission and wanted an answer. Ms. Hyatt assured Mr. Lovallo and his team that everything is processed within 3 to 5 business days once received. Mr. Lovallo stated to Ms. Hyatt that was not true and that leases and amendments that he submitted to his site manager from 12/2020 1/2021 hasn't been processed until right before this meeting. Ms. Hyatt tells the tenant she was not given the paperwork until the week prior for processing. Mr. Balogh cuts Ms. Hyatt from speaking further telling her he would take it from there and then proceeded to lie and place the blame on the processing department for being backed up and not the site manager Sebastian and his team for not submitting the paperwork until May 2021. Ms. Hyatt then stated that all leases were up to date, processed and there were no pending files on her end.
31. On or around 5/27/2021 I received a follow up phone call from Mr. Heaven asking me what happened and then on the outcome of the call with Mr. Lovallo as he was not able to attend. Mr. heaven never stated anything was wrong and thanked Ms. Hyatt for stepping up to the plate and getting the job done.
32. On 5/28/2021 Ms. Hyatt received a very rude and nasty phone call from Mr. Heaven stating she was being terminated and accused her of disobeying Frank Balogh orders not to engage in conversation with the tenant. Ms. Hyatt stated that was not true but was dismissed by Mr. Heaven and told to contact HR's Kyle Maldiner.
33. On 5/28/2021 Ms. Hyatt spoke to the defendant's HR rep. Ms. Maldiner belittled, badgered Ms. Hyatt with false accusations of events that Ms. Maldiner was not present for. Ms. Hyatt stood her ground of innocence as she explained to Ms. Maldiner that this was retaliation for all the claims she has made in the past of discrimination. Ms. Maldiner was hostile and dismissive to Ms. Hyatt until Ms. Hyatt mentioned she had the call recording to prove she did not disobey upper management and had actually lied to Mr. Balogh to protect Ms. Parano. Ms. Maldiner became silent for a second and instructed Ms. Hyatt to send her the files and recordings and she will review and investigate but the decision to
34. terminate will stand until then. (Exhibit J)
35. On 5/28/2021 Ms. Hyatt called Ms. Heaven back regarding proving her innocence in addition to the discrepancies in what she was told by Ms. Maldiner and what Mr. Heaven stated was the reason for her termination. (Exhibit K)
36. On 5/28/2021 Ms. Hyatt corresponded with the key principal and owner of the Stahle company to apologize if she offended the tenant in any way and to obtain a better knowledge of what offended Mr. Lavallo. Mr. Lavallo was shocked that Ms. Hyatt was terminated and confirmed it was nothing she did at all to offend him and was actually upset as to why we did not meet previously as he felt the frustration he had experienced would have been to a minimum. (Exhibit L)



37. On or around 5/29/2021, Ms. Hyatt was distraught and not being able to sleep, and contacted HR (Ms. Maldiner) and management (Mr. Heaven) with evidence to support her claims of retaliation and defamation management. (Exhibit M)
38. On or around 6/1/2021 Ms. Hyatt contacted the Defendants owner and all principals involved to prove the grievances, retaliation, and defamation she was subjected to while being employed. No one responded to her to date besides HR's Ms. Maldiner giving her strict instructions not to email anyone
39. else within the company whatsoever. (Exhibit N)
40. On or around 6//7/2021 Asked HR regarding their investigation. Was told she was on vacation and would finish her investigation by 6/8/2021.
41. On or around 6/13/2021 a distraught Ms. Hyatt contacted her former managers expressing the mental anguish and turmoil she was subjected to due to their retaliation against her. Ms. Hyatt did not threaten anyone but simply explained how their retaliation, defamation, libel and slander had affected her emotionally, professionally and monetarily. (Exhibit O)
42. On or around 6/13/2021 Ms. Hyatt received an email stating not to contact anyone within Rose Associates. (Exhibit P)

#### **RELIEF**

43. Due to the defendants' actions and inactions, the plaintiff, Kimberly Hyatt, suffered emotional, monetary distress and humiliation and respectfully requests that this Court enter judgment against the Defendant (Rose Associates) to compensate the plaintiff the following:
  - a. Award actual damages, including appropriate amounts of back pay and front pay and the money lost from wrongful termination
  - b. Award compensatory for race discrimination, retaliatory discharge, wrongful termination, and hostile work environment.
  - c. Grant any and all appropriate relief, which the Court deems necessary and appropriate.
  - d. Plaintiffs seek injunctive and declaratory relief, back pay, compensatory and punitive damages, and other appropriate legal and equitable relief pursuant to Title VII, the Human Rights Law, and the Free Speech Law.



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Louisville Area Office  
600 Dr. Martin Luther King, Jr Place, Suite 268  
Louisville, KY 40202  
(502) 694-3940  
Website: [www.eeoc.gov](http://www.eeoc.gov)

### **DETERMINATION AND NOTICE OF RIGHTS**

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 01/12/2023

To: Ms. Kimberly Hyatt  
25-19 Curtis Street  
EAST ELMHURST, NY 11369  
Charge No: 520-2022-02321

EEOC Representative and email: DOUGLAS KRIEGER  
Federal Investigator  
[douglas.krieger@eeoc.gov](mailto:douglas.krieger@eeoc.gov)

---

### **DETERMINATION OF CHARGE**

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

### **NOTICE OF YOUR RIGHT TO SUE**

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 520-2022-02321.

On behalf of the Commission,

Digitally Signed By: Michelle Eisele  
01/12/2023

---

Michelle Eisele  
District Director

**Cc:**

Amy Rose  
ROSE ASSOCIATES  
777 Third Avenue, Fl. 6  
New York, NY 10017

Felice Ekelman  
Jackson Lewis P.C.  
666 3RD AVE FL 29  
New York, NY 10017

Kyle Maldiner  
ROSE ASSOCIATES  
777 3RD AVE FL 6  
New York, NY 10017

Gregory Brown, Jr.  
Jackson Lewis P.C.  
666 3RD AVE FL 29  
New York, NY 10017

Please retain this notice for your records.

Enclosure with EEOC Notice of Closure and Rights (01/22)

**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)*

**IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT**

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) opened this email or mail. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

If your lawsuit includes a claim under the Equal Pay Act (EPA), you must file your complaint in court within 2 years (3 years for willful violations) of the date you did not receive equal pay. This time limit for filing an EPA lawsuit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, your lawsuit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA period.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

**ATTORNEY REPRESENTATION**

For information about locating an attorney to represent you, go to:  
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

**HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS**

There are two ways to request a charge file: 1) a FOIA Request or 2) a Section 83 request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

Since a lawsuit must be filed within 90 days of this notice, please submit your request for the charge file promptly to allow sufficient time for EEOC to respond and for your review. Submit a signed written request stating it is a "FOIA Request" or a "Section 83 Request" for Charge Number 520-2022-02321 to the District Director at Michelle Eisele, 1010 West Ohio St Suite 1900

Indianapolis, IN 46204.

You can also make a FOIA request online at <https://eeoc.arkcase.com/foia/portal/login>.

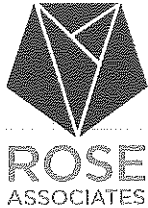
Enclosure with EEOC Notice of Closure and Rights (01/22)

You may request the charge file up to 90 days after receiving this Notice of Right to Sue. After the 90 days have passed, you may request the charge file only if you have filed a lawsuit in court and provide a copy of the court complaint to EEOC.

For more information on submitting FOIA Requests and Section 83 Requests, go to:

<https://www.eeoc.gov/eeoc/foia/index.cfm>.

# EXHIBIT A



777 Third Ave  
New York, NY 10017  
Direct: (212) 210-6608  
tday@rosenyc.com  
**ROSENYC.COM**

Tanisha Day  
Human Resources Manager,  
Talent Acquisition

September 1, 2020

**VIA ELECTRONIC DELIVERY**

Ms. Kimberly Hyatt  
25-19 Curtis Street  
Flushing, NY 11369

Dear Kimberly,

We are pleased to extend this offer of employment to you for the position of Commercial Lease Administrator with Rose Capital Group, a wholly owned subsidiary of Rose Associates. Your anticipated start date is on Monday, September 21, 2020. You will report to Adam Heaven, Commercial Property Manager, and be compensated at the hourly rate of \$39.42\*, currently paid on our regular payday each Thursday. This position is non-exempt and you are therefore eligible for overtime pay at the rate of \$59.13 per hour, applicable to hours worked in excess of 40 hours per week.

You may participate in the Rose Capital Group Health Benefit Program (medical, dental, vision, life insurance, and AD&D) beginning on the first of the month following your date of hire with Rose Capital Group. You will be eligible to accrue paid time off each year as follows: ten (10) vacation days, six (6) sick days and three (3) personal days to be used after 90 days of employment and in accordance with the paid time off policy. All paid time off is prorated for calendar year 2020. All other benefits are administered in accordance with the Employee Handbook and benefits policies.

This offer is contingent upon you satisfactorily completing our pre-employment screening process, which includes a criminal background check and reference check. Your pre-employment screening will be scheduled remotely. In addition, this is to confirm that your employment with Rose Capital Group is on an at-will basis, which means that your employment may be terminated at any time, by either party, with or without cause or reason. No verbal or written statement supersedes your employment at-will status.

We look forward to you joining us and to your contributions and successes. Please feel free to contact me should you have any questions.

Best regards,

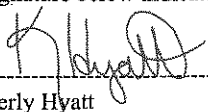
*Tanisha Day*

Tanisha Day

cc: Personnel File  
Jorge Miranda, Human Resources Specialist

---

My signature below indicates acceptance of the terms of this offer of employment as outlined above.

  
\_\_\_\_\_  
Kimberly Hyatt

9/3/2020  
\_\_\_\_\_  
Date

\* All figures are before taxes and other applicable deductions.

# EXHIBIT B



**Hyatt, Kimberly**

---

**From:** Hyatt, Kimberly  
**Sent:** Monday, March 15, 2021 10:09 AM  
**To:** Heaven, Adam  
**Subject:** RE: Spitzer Account

Ok Adam. Thank you

**From:** Heaven, Adam <aheaven@rosenyc.com>  
**Sent:** Monday, March 15, 2021 9:38 AM  
**To:** Hyatt, Kimberly <khyatt@rosenyc.com>  
**Subject:** RE: Spitzer Account

Hi Kim:

I understand exactly what you are saying.

I don't think anyone is looking to place blame here and I think resolving this is not going to be as complicated as it seems.

Would you be comfortable if I scheduled a call with Elle and Kathy so we can all discuss objectives and responsibilities?

Elle is supposed to be sending me a list of the items that Kathy handled in the past for both portfolios. It may be worthwhile waiting for and reviewing the list before we plan the call.

There are a lot of open concerns with this portfolio (specifically a contract that has not yet been signed) which is why Elle is so concerned.

For now, please just keep an eye out for any emails pertaining to Elle's portfolio and make them a priority to respond to the best you can. Copy me and let me know if you have any questions or concerns before responding.

We will get this one resolved. Please don't stress.

Thanks,  
Adam

**From:** Hyatt, Kimberly <khyatt@rosenyc.com>  
**Sent:** Monday, March 15, 2021 9:08 AM  
**To:** Heaven, Adam <aheaven@rosenyc.com>  
**Subject:** Spitzer Account

Good morning Adam,

Hope all is well. I am sorry to start off the Monday with this, but I strongly believe that this needs to be addressed with upper management now rather than later. As explained in the past, since starting my journey with Rose, information has been limited to me regarding procedures and guidelines. I have asked Kathy and Elle for assistance several times to no avail. I feel very insulted regarding Elle's actions and the lack of courtesy towards me. I've tried several ways to come to a solution or to have 10 minutes of her time to even go over what the client needs and wants.

Elle's statement on Friday that the client Spitzer has been considering seeking management elsewhere and has been for several months, I do not feel comfortable or safe for being held accountable for this property at this point. I am extremely uncomfortable not knowing what is to be provide as I am new to this and without their assistance, this will be a disaster. Elle has been managing this account for 5 years and have a better knowledge and feel as to the client needs that was not given or provided to me. I will always produce my best work as I do take pride in that however, It seems that this account need to be handled delicately to ensure Spitzer does not part ways with Rose and with the limited information I have I do not feel I am the candidate to oversee this account.

Once again. I do apologize to start the Monday with this.



Rose Associates, Inc.  
Kimberly Hyatt  
Commercial Lease Administrator  
777 Third Avenue, 6th Floor  
New York, New York 10017  
[ROSENYC.COM](http://ROSENYC.COM)



Rose Associates, Inc.  
Kimberly Hyatt  
Commercial Lease Administrator  
777 Third Avenue, 6th Floor  
New York, New York 10032  
Direct:  
[ROSENYC.COM](http://ROSENYC.COM)



Rose Associates, Inc.  
Adam Heaven  
Commercial Property Manager  
777 Third Avenue, 6th Floor  
New York, New York 10017  
Direct: (212) 328-5529 / Mobile: (516) 641-1963  
[ROSENYC.COM](http://ROSENYC.COM)

# EXHIBIT C

**Hyatt, Kimberly**

**From:** Hyatt, Kimberly  
**Sent:** Wednesday, March 17, 2021 1:35 PM  
**To:** Panaro, Kathy  
**Cc:** Heaven, Adam; Salamack, Elle; Toole, Julie  
**Subject:** RE: 504 - Barry Weintraub

Kathy,

I knew nothing about this nor did I enter or changed anything in MRI for this tenant. This is the 1<sup>st</sup> email I am receiving for this tenant. I have not received any other correspondence until now as I did not look in all my email folders. Now that I've taken a better look in MRI, this amendment and change was processed by you. Please see below as your User Id is present for the charges entered and the notes pertaining to this.

Date	Reference 1	Reference 2	Note	Frequency (# of months)	Last Update	User Id
1/1/2016	CLICKP	SUBTEN	000400002504 01	0	12/28/2015	SYSADM
12/3/2018	CPI	@	ART #4 of May 31, 2018 Extens	0	12/3/2018 3:40:18 PM	VGALFAND
12/3/2018	ELECT	@	Art #6 - Extension Agreement -	0	12/3/2018 3:49:17 PM	VGALFAND
12/3/2018	GUAR	@	Barry Weintraub	0	12/3/2018 4:04:13 PM	VGALFAND
12/3/2018	INSURNC	@	Art. 49 - \$2,000,000 B/D, \$500,	0	12/3/2018 3:54:51 PM	VGALFAND
12/3/2018	LATECHG	@	(Art. 44) - If rent is not paid by 1	0	12/3/2018 3:53:18 PM	VGALFAND
12/3/2018	SECDEP	@	Art #10 - no security deposit re	0	12/3/2018 3:58:14 PM	VGALFAND
12/3/2018	TERMS	@	May 31, 2018 Extension Agree	0	12/3/2018 3:44:16 PM	VGALFAND
12/3/2018	USE	@	Dignified Dental Office	0	12/3/2018 4:01:26 PM	VGALFAND
10/19/2020	COA	@	Agreement due to COVID to not	0	10/28/2020 3:02:53 PM	RAIKP139

According to your notes,

Memorandum

Agreement due to COVID to not assess the 3% increase effective 10/1/2020, rent will remain @ \$13,104.18 until 10/1/2021 whereas it will increase 3% to \$13,104.18

I do not have any paper work to verify the entry or any recollection as to why this was changed. I'm sorry I do not have any more information on this as I do not see the amendment in the BOX.

Kathy,

Can you please look into this.

Thank you

**From:** Panaro, Kathy <kpanaro@rosenyc.com>  
**Sent:** Wednesday, March 17, 2021 1:16 PM  
**To:** Hyatt, Kimberly <khyatt@rosenyc.com>  
**Cc:** Heaven, Adam <aheaven@rosenyc.com>; Salamack, Elle <esalamack@rosenyc.com>; Toole, Julie <jtoole@rosenyc.com>  
**Subject:** RE: 504 - Barry Weintraub

Kimberly,

That is the rent up for the monthly charges, I believe that you added a Covid abatement to take effect and made the change in October, you must have received backup for this. I believe this is the change Cindy is questioning since you entered a new rent for 10/1/21 reducing the monthly charge – please look at the recurring rent schedule and check your emails, thanks.

**From:** Hyatt, Kimberly <khyatt@rosenyc.com>  
**Sent:** Wednesday, March 17, 2021 12:55 PM  
**To:** Panaro, Kathy <kpanaro@rosenyc.com>  
**Cc:** Heaven, Adam <aheaven@rosenyc.com>; Salamack, Elle <esalamack@rosenyc.com>; Toole, Julie <jtoole@rosenyc.com>  
**Subject:** RE: 504 - Barry Weintraub

Hello Kathy,

As per MRI, you made this change on 2/19/2021. Do you know why?

Billing Information		Building Id		Occupant Name		Master Occupant Id	
		400002		BARRY WEINTRAUB		000167	
Suite Id		504		Rent Start		10/1/2008	
Lease Id		000167		Expiration		9/30/2023	
				Vacate			
				All Stop Billing			
				Generation Code		NEW	
				Generation Number		1	
				Occupancy Status		C	

Recurring Charges										
<input checked="" type="radio"/> Current Charges <input type="radio"/> Include Future Charges <input type="radio"/> All Charges <input type="radio"/> New Charges										
Income Category	Description	Effective Date	Amount	Freq	End Date	Fee Exempt	Billing Month	Rent Tax Id	Charge Day	Charged In Advance
PRC	PRICE INDEX CHARGE	2/1/2016	967.27	M	12/31/2016	N	01		01	Y
PRC	PRICE INDEX CHARGE	12/1/2017	1,337.72	M	9/30/2018	N	01		1	Y
PRC	PRICE INDEX CHARGE	1/1/2019	0.00	M		N	01		1	Y
RPS	RENT ON PROF SPACE	12/1/2020	13,104.18	M		N	01		1	Y

**From:** Panaro, Kathy <kpanaro@rosenyc.com>  
**Sent:** Wednesday, March 17, 2021 12:25 PM  
**To:** Hyatt, Kimberly <khyatt@rosenyc.com>  
**Cc:** Heaven, Adam <aheaven@rosenyc.com>; Salamack, Elle <esalamack@rosenyc.com>; Toole, Julie <jtoole@rosenyc.com>  
**Subject:** FW: 504 - Barry Weintraub

Hi Kimberly,

Please see email below with regards to Weintraub's account – 400002-000167, thank you.

---

**From:** Cindy Dawkins <[sdawkins@SpitzerEng.com](mailto:sdawkins@SpitzerEng.com)>  
**Sent:** Wednesday, March 17, 2021 11:02 AM  
**To:** Panaro, Kathy <[kpanaro@rosenyc.com](mailto:kpanaro@rosenyc.com)>  
**Cc:** Salamack, Elle <[esalamack@rosenyc.com](mailto:esalamack@rosenyc.com)>  
**Subject:** 504 - Barry Weintraub

Hi Kathy,

Going thru the Collections Report for 01/2021 & 02/2021, I noticed #504 Barry Weintraub isn't charged correctly.

Correct Rent Charge: 13,497.30  
Rent Billed: 13,104.18  
Difference of: 393.12

Please advise,  
Thank you

Sindy Dawkins  
Spitzer Enterprises  
555 Madison Avenue 18<sup>th</sup> Floor  
New York, NY 10019  
Tel: 212-765-5170  
[sdawkins@spitzereng.com](mailto:sdawkins@spitzereng.com)



Rose Associates, Inc.  
**Kathy Panaro**  
Manager, Accounts Receivable  
777 Third Avenue, 6th Floor  
New York, New York 10017  
Direct: (212) 210-6753  
[ROSENYC.COM](http://ROSENYC.COM)



Rose Associates, Inc.  
**Kimberly Hyatt**  
Commercial Lease Administrator  
777 Third Avenue, 6th Floor  
New York, New York 10032  
Direct:  
[ROSENYC.COM](http://ROSENYC.COM)



Rose Associates, Inc.  
**Kathy Panaro**  
Manager, Accounts Receivable  
777 Third Avenue, 6th Floor

# EXHIBIT D



## Hyatt, Kimberly

---

**From:** Hyatt, Kimberly  
**Sent:** Wednesday, March 17, 2021 3:19 PM  
**To:** Heaven, Adam  
**Subject:** FW: 800 Fifth Avenue - Suite 504

Hey Adam,

There has been several times in the past I am being told I did something that I know for a fact was not processed by me. Now Kathy send this response to Spitzer like I dropped the ball on this and that is not the case. When I asked her about the vague email and what to do, she responded that she already processed it. A simple sorry would've have been nice.

Adam who is Sindy?

Kim

---

**From:** Panaro, Kathy <kpanaro@rosenyc.com>  
**Sent:** Wednesday, March 17, 2021 2:49 PM  
**To:** Sindy Dawkins <sdawkins@SpitzerEng.com>  
**Cc:** Hyatt, Kimberly <khyatt@rosenyc.com>; Heaven, Adam <aheaven@rosenyc.com>; Salamack, Elle <esalamack@rosenyc.com>; Toole, Julie <jtoole@rosenyc.com>  
**Subject:** FW: 800 Fifth Avenue - Suite 504

Sindy

Michael sent an email back in October with regards to the adjustment of the rent – please see below I believe it is correct.

Kimberly - I forwarded the message to you on the 27<sup>th</sup> but ended up doing the adjustment myself, I thought it was a covid adjustment.

---

**From:** Panaro, Kathy  
**Sent:** Wednesday, October 28, 2020 3:28 PM  
**To:** Hyatt, Kimberly <khyatt@rosenyc.com>  
**Subject:** RE: 800 Fifth Avenue - Suite 504

Kimberly,

I took care of the adjustments for Weintraub at 800 Fifth Avenue as outlined below.

---

**From:** Panaro, Kathy  
**Sent:** Tuesday, October 27, 2020 10:23 AM  
**To:** Hyatt, Kimberly <khyatt@rosenyc.com>  
**Subject:** FW: 800 Fifth Avenue - Suite 504



**From:** Michael Brunelli <[MBrunelli@SpitzerEng.com](mailto:MBrunelli@SpitzerEng.com)>  
**Sent:** Monday, October 19, 2020 10:34 AM  
**To:** Panaro, Kathy <[kpanaro@rosenyc.com](mailto:kpanaro@rosenyc.com)>  
**Subject:** 800 Fifth Avenue - Suite 504

---

Kathy,

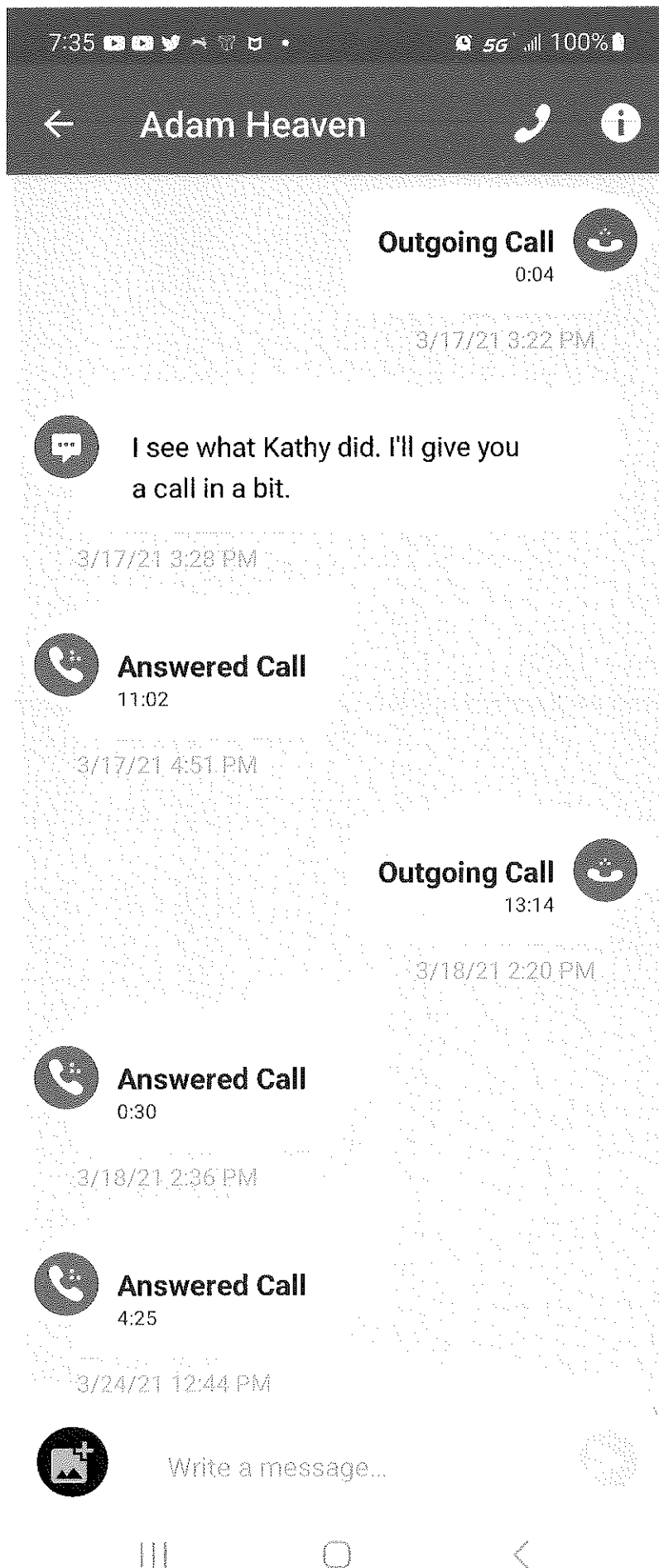
Dr. Weintraub (Suite 504) will not be assessed his 3% annual rent increase this year. This was supposed to occur on October 1, but we have made an arrangement that his rent will stay flat the next 12 months (including October) but will increase 3% next October. Thank you, and let me know if you have any questions.

Regards,

**Michael J. Brunelli**  
**Spitzer Enterprises**  
**555 Madison Avenue, 18<sup>th</sup> Floor**  
**New York, NY 10022**  
**(212) 765-5170**  
[mbrunelli@spitzereng.com](mailto:mbrunelli@spitzereng.com)



Rose Associates, Inc.  
**Kathy Panaro**  
Manager, Accounts Receivable  
777 Third Avenue, 6th Floor  
New York, New York 10017  
Direct: (212) 210-6753  
[ROSENYC.COM](http://ROSENYC.COM)



# EXHIBIT E

## Hyatt, Kimberly

---

**From:** Panaro, Kathy  
**Sent:** Monday, April 12, 2021 10:25 AM  
**To:** Hyatt, Kimberly  
**Cc:** Heaven, Adam; Salamack, Elle  
**Subject:** RE: 985 Commercial Tenant

No problem, but it is very easy to search by utilizing the pull down in MRI commercial or even Go – just start the address and the location and owner entity pull pop up. I'm sure the lease has the suite location, if not please ask Michael, thank you.

---

**From:** Hyatt, Kimberly <khyatt@rosenyc.com>  
**Sent:** Monday, April 12, 2021 9:56 AM  
**To:** Panaro, Kathy <kpanaro@rosenyc.com>  
**Cc:** Heaven, Adam <aheaven@rosenyc.com>; Salamack, Elle <esalamack@rosenyc.com>  
**Subject:** RE: 985 Commercial Tenant

Thank you Kathy,

I have several copies of the lease. As I am still learning these buildings and properties, my question was a confirmation of the building# and suite ID as there is no building 985. Your cooperation is greatly appreciated.

Good morning Elle,

Could you please assist me with this?

Thank you



Rose Associates, Inc.  
**Kimberly Hyatt**  
Commercial Lease Administrator  
777 Third Avenue, 6th Floor  
New York, New York 10017  
[ROSENYC.COM](http://ROSENYC.COM)

---

**From:** Panaro, Kathy <kpanaro@rosenyc.com>  
**Sent:** Monday, April 12, 2021 9:33 AM  
**To:** Hyatt, Kimberly <khyatt@rosenyc.com>  
**Cc:** Heaven, Adam <aheaven@rosenyc.com>; Salamack, Elle <esalamack@rosenyc.com>  
**Subject:** FW: 985 Commercial Tenant

Kimberly,

Please see attached lease sent on 4/9, thank you.

---

**From:** Panaro, Kathy  
**Sent:** Friday, April 9, 2021 1:48 PM  
**To:** Hyatt, Kimberly <khyatt@rosenyc.com>  
**Cc:** Salamack, Elle <esalamack@rosenyc.com>; Brunelli, Michael <mbrunelli@spitzereng.com>  
**Subject:** FW: 985 Commercial Tenant

Hi Kimberly,

Please see email below with regards to the start date for the new Spitzer lease I forwarded to you this past week, thank you.

---

**From:** Michael Brunelli <MBrunelli@SpitzerEng.com>  
**Sent:** Friday, April 9, 2021 12:16 PM  
**To:** 'Mario Djolevic' <mdjolevic@gmail.com>  
**Cc:** Salamack, Elle <esalamack@rosenyc.com>; Panaro, Kathy <kpanaro@rosenyc.com>  
**Subject:** RE: 985 Commercial Tenant

All,

Lease has been countersigned and is effective starting today. Thanks.

**Michael J. Brunelli**  
**Spitzer Enterprises**  
**555 Madison Avenue, 18<sup>th</sup> Floor**  
**New York, NY 10022**  
**(212) 765-5170**  
**mbrunelli@spitzereng.com**

---

**From:** Mario Djolevic <mdjolevic@gmail.com>  
**Sent:** Thursday, April 8, 2021 5:19 PM  
**To:** Michael Brunelli <MBrunelli@SpitzerEng.com>  
**Cc:** Salamack, Elle <esalamack@rosenyc.com>; Panaro, Kathy <kpanaro@rosenyc.com>  
**Subject:** Re: 985 Commercial Tenant

Nice! Thank You

Mario Djolevic  
Resident Manager  
985 5th Ave  
212-628-2399  
Rose Associates

On Apr 8, 2021, at 5:18 PM, Michael Brunelli <MBrunelli@spitzereng.com> wrote:

Elle and Cathy,

Please see attached lease for our new commercial tenant at 985. Thank you.

# EXHIBIT F

**Hyatt, Kimberly**

---

**From:** Hyatt, Kimberly  
**Sent:** Monday, April 12, 2021 2:42 PM  
**To:** Balogh, Frank  
**Subject:** FW: Ashokan Services - Water/Sewer Pass Thru Invoices for Commercial Tenants at 1500 & 1510 Lex  
**Attachments:** FW: Ashokan Services - Water/Sewer Pass Thru Invoices for Commercial Tenants at 1500 & 1510 Lex  
**Categories:** Red category

Hello Frank,

I am beyond, disappointed and upset. Since I have been started working with Rose, Kathy has gone out of her way to make it as difficult and uncomfortable as possible here. I should've been alarmed back in October when I asked her I wanted to show me Rose procedures and was told by her that "I needed to figure it out because no one showed her and she had to wing it on her own". From her nasty and short temperament when asking her questions and procedures as a new employee to always cutting me off and refuse for listen to my questions and concerns to falsely accusing me over and over of doing I have not done is starting to take a toll on me honestly. Kathy has had a pattern of writing false emails and false accusations that has now made me feel uncomfortable and defensive as my name is being tarnished or I am not producing. I understand that we all make mistakes, however I do apologize and try to make things right if I am in the wrong or if I have absently offended a colleague. I have not gotten that from Kathy. These are emails that are sent throughout the company and to other departments.

At this point, I strongly feel an apology is due for the false accusations.

I thank you for your time.



Rose Associates, Inc.  
**Kimberly Hyatt**  
 Commercial Lease Administrator  
 777 Third Avenue, 6th Floor  
 New York, New York 10017  
[ROSENYC.COM](http://ROSENYC.COM)

---

**From:** Hyatt, Kimberly  
**Sent:** Monday, April 12, 2021 10:55 AM  
**To:** Panaro, Kathy <kpanaro@rosenyc.com>  
**Cc:** Heaven, Adam <aheaven@rosenyc.com>; Balogh, Frank <fbalogh@rosenyc.com>  
**Subject:** RE: Ashokan Services - Water/Sewer Pass Thru Invoices for Commercial Tenants at 1500 & 1510 Lex

Kathy,

I understand that now but that was not the email you sent to me nor did you explain that we billed CVS incorrectly at 1st. You stated in your email nothing was ever billed to these tenants, which is incorrect. That created confusion as the email regarding CVS was not sent to me until I started to question what tenant was billed incorrectly. How would I have known that from your original email?

CVS has now been credited.

Thank you



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New York, New York 10017  
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**From:** Panaro, Kathy <[kpanaro@rosenyc.com](mailto:kpanaro@rosenyc.com)>  
**Sent:** Monday, April 12, 2021 10:22 AM  
**To:** Hyatt, Kimberly <[khyatt@rosenyc.com](mailto:khyatt@rosenyc.com)>  
**Cc:** Heaven, Adam <[aheaven@rosenyc.com](mailto:aheaven@rosenyc.com)>; Salamack, Elle <[esalamack@rosenyc.com](mailto:esalamack@rosenyc.com)>; Marshall, Jovette <[jmarshall@rosenyc.com](mailto:jmarshall@rosenyc.com)>  
**Subject:** RE: Ashokan Services - Water/Sewer Pass Thru Invoices for Commercial Tenants at 1500 & 1510 Lex

Hi Kimberly,

Please see original email from the client below –a charge that was to be placed on CVS's account was meant to be charged to CityMD, the original email sent had the bills attached. I was not reviewing any data, the client reached out as you can see and is requesting the change, that is all. If you need me to forward the original, please let me know.

Thank you.

**From:** Hyatt, Kimberly <[khyatt@rosenyc.com](mailto:khyatt@rosenyc.com)>  
**Sent:** Monday, April 12, 2021 9:54 AM  
**To:** Panaro, Kathy <[kpanaro@rosenyc.com](mailto:kpanaro@rosenyc.com)>  
**Cc:** Heaven, Adam <[aheaven@rosenyc.com](mailto:aheaven@rosenyc.com)>; Salamack, Elle <[esalamack@rosenyc.com](mailto:esalamack@rosenyc.com)>; Marshall, Jovette <[jmarshall@rosenyc.com](mailto:jmarshall@rosenyc.com)>  
**Subject:** RE: Ashokan Services - Water/Sewer Pass Thru Invoices for Commercial Tenants at 1500 & 1510 Lex

Kathy,

As a team player that takes pride in producing quality work, anything that is put in writing regarding incorrect entries needs to be addressed.

Please see attached the bills that was presented for billing and the CM ledger reports. Please advise as to what tenant was incorrectly billed as you stated below. I want to have a full understanding if I am doing something incorrectly so I can ensure that I don't make that mistake again going forward.

Please review and advise what tenant will billed wrong.



# EXHIBIT G

## Hyatt, Kimberly

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**From:** Hyatt, Kimberly  
**Sent:** Monday, April 26, 2021 11:27 AM  
**To:** Panaro, Kathy; Chin, James; Heaven, Adam  
**Cc:** Marshall, Jovette  
**Subject:** RE: Julie Spitzer at Westmore

Thank you Kathy,

Did you get the email I sent right afterwards? I am totally aware of that and has been revising the spreadsheets accordingly. How would they be calculated without the spreadsheet? I did not see the note in MRI as it was labeled incorrectly as 1/4/2017 and not when it took effect back in 5/2019. Kathy, were you the one who billed this out? As per the 5<sup>th</sup> supplement, (4-A) the base year was amended 5/2019 which means who ever originally billed the 2020-2021 billed incorrectly as they used 2016 base year and not the 2020-2021. Please see attached for your review.

Thank you

---

**From:** Panaro, Kathy <kpanaro@rosenyc.com>  
**Sent:** Monday, April 26, 2021 10:20 AM  
**To:** Hyatt, Kimberly <khyatt@rosenyc.com>; Chin, James <jchin@rosenyc.com>; Heaven, Adam <aheaven@rosenyc.com>  
**Cc:** Marshall, Jovette <jmarshall@rosenyc.com>  
**Subject:** RE: Julie Spitzer at Westmore

Good Morning Kimberly,

If you take a look at the tax schedule for 2020/2021 you will see that there was a decrease in taxes based on her original tax base of 15/16 so no taxes were billed for the pro-rated period of 7/1/20-10/30/20. Her base also changed to 20/21 effective 10/1/2020 due to her renewal. The tax escalation schedules are a great tool to refer to when billing out true-ups or the initial yearly taxes and are important to keep current. The auditors usually ask for these so I would create one for each true-up and initial yearly taxes. They should have all come over from the shared drive, should you not be able to find one let me know, I know some of the information is scattered a bit in the box but they should all be there if completed.

Thank you.

---

**From:** Hyatt, Kimberly <khyatt@rosenyc.com>  
**Sent:** Monday, April 26, 2021 9:45 AM  
**To:** Panaro, Kathy <kpanaro@rosenyc.com>; Chin, James <jchin@rosenyc.com>; Heaven, Adam <aheaven@rosenyc.com>  
**Cc:** Marshall, Jovette <jmarshall@rosenyc.com>  
**Subject:** Julie Spitzer at Westmore  
**Importance:** High

Good morning all,

Happy Monday. I am processing the revised 2020-2021 taxes to this building and I noticed that Julie Spitzer was not billed her PRS of the 2020-21 taxes. There is no notes in MRI or in the last amendment dated 12/2020 stating otherwise. Do anyone know why we are not charging them?

Kim



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# EXHIBIT H

**Hyatt, Kimberly**

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**From:** Hyatt, Kimberly  
**Sent:** Tuesday, April 27, 2021 9:16 AM  
**To:** Heaven, Adam  
**Subject:** FW: Julie Spitzer at Westmore

Good morning Adam,

With all due respect. Please take another look at Kathy's email. How was this not offensive and rude to me? How and why this was not seen as offensive yet my rebuttal was? My rebuttal was accurate pertaining to the tenant's account and not the information Kathy provided. I have made it a priority in setting up the buildings and clients correctly in MRI and trying to ensure all items and billings are correct, in addition to cleaning up and sorting out the RE tax files in case we do get audited. However, Kathy continues to address me as if I am a 10 year old child with a disability. I have prepared and assisted all my former companies since BT Americas to date with audits, document storage, and auditing procedures. I'm still don't understand how her response did not drip sarcasm? Her response still didn't answer my initial question and was totally incorrect. This is the result I get about 70% of the time. The information in MRI was incorrect and it was entered by Kathy. The base year she referred to that was never changed in the system nor on any spreadsheet and she billed it. So my email was offensive because I pointed the correct information and hers was inaccurate?

I'm just trying to understand as this was beyond offensive and for it not to be recognized as such is very alarming to me.

Kim

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**From:** Panaro, Kathy <kpanaro@rosenyc.com>  
**Sent:** Monday, April 26, 2021 10:20 AM  
**To:** Hyatt, Kimberly <khyatt@rosenyc.com>; Chin, James <jchin@rosenyc.com>; Heaven, Adam <aheaven@rosenyc.com>  
**Cc:** Marshall, Jovette <jmarshall@rosenyc.com>  
**Subject:** RE: Julie Spitzer at Westmore

Good Morning Kimberly,

If you take a look at the tax schedule for 2020/2021 you will see that there was a decrease in taxes based on her original tax base of 15/16 so no taxes were billed for the pro-rated period of 7/1/20-10/30/20. Her base also changed to 20/21 effective 10/1/2020 due to her renewal. The tax escalation schedules are a great tool to refer to when billing out true-ups or the initial yearly taxes and are important to keep current. The auditors usually ask for these so I would create one for each true-up and initial yearly taxes. They should have all come over from the shared drive, should you not be able to find one let me know, I know some of the information is scattered a bit in the box but they should all be there if completed.

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**From:** Hyatt, Kimberly <khyatt@rosenyc.com>  
**Sent:** Monday, April 26, 2021 9:45 AM  
**To:** Panaro, Kathy <kpanaro@rosenyc.com>; Chin, James <jchin@rosenyc.com>; Heaven, Adam <aheaven@rosenyc.com>  
**Cc:** Marshall, Jovette <jmarshall@rosenyc.com>  
**Subject:** Julie Spitzer at Westmore  
**Importance:** High

Good morning all,

Happy Monday. I am processing the revised 2020-2021 taxes to this building and I noticed that Julie Spitzer was not billed her PRS of the 2020-21 taxes. There is no notes in MRI or in the last amendment dated 12/2020 stating otherwise. Do anyone know why we are not charging them?

Kim



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# EXHIBIT I

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Kimberly Hyatt (00:00):

Hi, is this Kimberly right?

Frank Balogh (00:02):

Hey. Yep. Hey Kim. How going?

(00:06):

Sorry about that. No, no problem. So, yeah, so I, I don't think this is a big deal, but look at that agreement. Effectctive 21 and the Patriot here too has the date here off, which is 1121. So in in essence, what that means is for the calendar year 2021, they have a, they have a base here of 2122. Right? So that means they would no tax here. And it, the only thing that says for the fact is to rebuild them last year, say in tax year 2021. In essence, that's the second half of that building would be mute cause they have a new

Kimberly Hyatt (00:54):

Here. Okay. Just to be honest, that

Frank Balogh (00:58):

That's it.

Kimberly Hyatt (00:59):

If that's what they meant, the, the, the attorney did not write the lease like that did at all. And

Frank Balogh (01:08):

Sometimes these things are not, you know, hundred percent whatever, transparent, written. But that's how I, that's how I, and um,

Kimberly Hyatt (01:18):

Okay. Cause the arrears is written,

Frank Balogh (01:20):

You know, but here's what it, you know, and at the end, at the end of the day, you know, um, so just, I think they drew owe almost 25,000. We just gotta get to, to that point.

Kimberly Hyatt (01:34):

Well they have, they have three payments, right? Because right.

Frank Balogh (01:38):

Pay lost that point

Kimberly Hyatt (01:39):

To pay off. The other charges were reversed. And this was all done from April. So it's just like, am I living in the twilight zone here? I know this was done already. And to be honest with you, I, I mean even reading the emails, I, I mean as a paralegal and have been doing these leases and amendments, the



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lease agreement was, it is made as of this agreement is made as of that's when they signed the lease. This is when it was brought up. That's the only thing that refers to effective in the middle of the paragraph, effective January 1st, are the changes pertaining to the billing as far as the rents Now, me doing this in that process, a ton of them since I've been here and as a paralegal, this is not written as such. It says a modification to section 47 A, which means we are modifying the base year. We couldn't, there's no way possible to, that was done is over. We supposed to credit everything as far as real estate taxes. But we're saying going forward, the base year is now changed for the upcoming year. It, it would've specified to do that if that was the case. So I'm only going by how the lease was written regardless of what <laugh> so mean. I, I still think they owe the, I don't see anything that say they would not owe the second half of 2021.

Frank Balogh (03:07):

They wouldn't Effective disagreements effective 1 1 21, effective 1 1 21. Their base share is 2122. So we, you know, at the end of the day

Kimberly Hyatt (03:21):

It didn't say effective, but Frank, this is what you guys are not getting. It does not say effective. Where,

Frank Balogh (03:27):

Where, where, from where you read, where you're reading that

Kimberly Hyatt (03:30):

I am reading it in the amendment. It does not says section four modification of lease. Everything else it puts in there commencing January 1st or everything. The everything else, the, the rent change terms was for effective. The rent went down 37 500 a month from 1 45 to 1 0 8. That was effective January 1st for those changes, the taxes are not effective. January 1st, 2021. I can bet you a hundred bucks on this

Frank Balogh (04:11):

<laugh>, I won't take your money, but we'll do that.

Kimberly Hyatt (04:14):

<laugh>,

Frank Balogh (04:16):

I won't take your money. But that,

Kimberly Hyatt (04:18):

You know, it's just modifying, it's a section of the original lease. It's just modified the base here to change. And

Frank Balogh (04:26):

It said as of as of the date thereof, the date thereof first, the date. That mean me shall modifying this as,

Kimberly Hyatt (04:43):

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As we as a follow base year

Frank Balogh (04:46):

Key term. That's the key term, Kevin. As of the date, near above

Kimberly Hyatt (04:52):

As of the date there of section. Section of, right. But I'm, I'm,

Frank Balogh (05:00):

As of the agreement one that's, I mean four five word here, here up

Kimberly Hyatt (05:15):

Effective. Right. Meaning the

Frank Balogh (05:18):

Date of one more.

Kimberly Hyatt (05:20):

Right. But Frank, how can, how can we get how it's just, it's just come, but I'm saying this, the taxes haven't even come off of 20 21, 20 22.

Frank Balogh (05:31):

How insurances gonna be. That means they have no billing. They have no billing.

Kimberly Hyatt (05:37):

Why would that not be reflected

Frank Balogh (05:39):

In here? Whatever reason. What's that?

Kimberly Hyatt (05:41):

It would, but I feel if that was the case, it would be reflected in here that they should not be built. I'm

Frank Balogh (05:47):

Saying I think it said that they have and I don't wanna argue about it that so that way, so make that to me that would be one more 21. Right. And they have a base here of 2122.

Kimberly Hyatt (06:03):

Oh, okay.

Frank Balogh (06:06):

You know what, that one, and that was the intent of it a lot. So even if it is a little bit, you know, unclear, it is very,

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Kimberly Hyatt (06:16):

Very

Frank Balogh (06:17):

Unclear. Tell she's, she's been tough about it, I've dealt with her for years. Shes like, she's been driving us all. She's been driving us crazy.

Kimberly Hyatt (06:24):

Oh she's done that to me today. Cause it's like, I I mean I know it says

Frank Balogh (06:28):

July 3rd. Yeah, yeah, yeah. She can drive today. But look, I'll send that, that we'll get whatever we need to do, go get it done. And that's it. The end of the day, yeah. Let's see what she said. She said something that, that definitely doesn't make sense then that's fine. Well look, we, we are here to work with them and get it, get it right. That's all. And, and you know what? I'm not, I don't, you don't, doesn't mean I'm not saying you did something wrong, whatever that I just want, I I'm not saying that at all. I understand. We just need to get this right. These, these things, these ledgers were messed up before you got here, before they, so it's not, you know, its' not anything, you know, that, that happened since we just need to get to a, a good place. So she just stopped driving us bananas. Cause that's what she does. She drives bananas? She just, you just see that question too. She, she, this is just laugh, like I said. And this other guy that she works with gotta keep Fernandos the same. And then they got mad drive everybody crazy. I, you know, he's the client in between me, us, I, I can't stand the guy, but

Kimberly Hyatt (07:45):

He's the client. So who's he? Who the

Frank Balogh (07:47):

Client? He's the client. He's that. Okay. And he and Taylor and Keith. Fernando are, they're outside. E and Oh,

Kimberly Hyatt (07:59):

I thought they were a part of Rose

Frank Balogh (08:02):

No, no. Tell us, tell us Noella key her in LL P. That's the cpa, so, okay. Cause so you know where that comes, she comes in, they do the order every year on the quarter they, when they prepare financials, they go through thousand questions. She basically like, you know, he works with the, with the optimization guard. That's, that's her character. Just so you know. So let's see what they say on the call but let's, let's just, let's the try and get it right, but she's, but she's kind of like a girl. I'm not sure what that and whatever we did, you can unwise. We didn't do something, let just get it right the day needed. Need to get their financial statements out. The partners, that's what so Right. Wants to make sure that they're not involved. That's all.

Kimberly Hyatt (09:17):

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Okay, well if there's anything other, we'll

Frank Balogh (09:19):

We'll figured it out then we'll figure it out. It year end it was like nuts too. I don't know if you want those, some of those calls that we had

Kimberly Hyatt (09:29):

Not with No, I I I

Frank Balogh (09:31):

Really wasn't. Yeah, you probably wasn't<laugh> all questions. It it was crazy. It was crazy. We got to a place that, that looked right. I think the only thing right now is that, uh, I don't know what she's saying about all these things,

Kimberly Hyatt (09:48):

Remy. Right. And I, that's what I was alarmed about because I know Remy, I asked him for a certain amendment because it's,

Frank Balogh (09:54):

It's,

Kimberly Hyatt (09:55):

It's, it is referring to a third amendment that no one has a copy to. And I've asked them about it for since April, may or whatever. So that's the only account to my knowledge that wasn't rectified. Everything she asked for pertaining to this Victner 9 84 was done until they even resulted the credit. She told me to give the, even resulted in them having I think a little credit on their account now because they made a payment. So, you know, you're screaming to the owner that their account hasn't been reconciling rec uh, reconciling It's been reconciled since back then.

Frank Balogh (10:29):

Yeah. Let's see what works here. I'm sure not sure

Kimberly Hyatt (10:35):

You got it, Frank. You got it.

Frank Balogh (10:37):

Okay. We'll get, we'll get to it, and then, uh, you know, we'll just keep, keep it on the call. She, she, she, she, right. She might, she wants to be whatever superhero. So we'll see. Alrighty. We gave her a lot of business and you know what? Every, we gave it to her to give to somebody. And she, she, she just always kind of like, just kinda like really just, I know. I don't like, even though I know I time we have a good relationship. It's just, yeah, whatever.

Kimberly Hyatt (11:21):

All you, Frankie, have a good night

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Frank Balogh (11:23):

How I read it. Right? All right. See where we, I'll send.

Kimberly Hyatt (11:30):

Thank you so much.

Frank Balogh (11:32):

All right. Have a good day too. Bye-Bye. Bye.

# EXHIBIT J

This transcript was exported on Apr 11, 2023 - view latest version [here](#).

Kyle Maldiner (00:10):

This is Kyle.

Kimberly Hyatt (00:11):

Hi, Kyle, it's Kimberly. Hi. And how are you?

Kyle Maldiner (00:15):

I'm doing okay, Kimberly. How are you doing?

Kimberly Hyatt (00:17):

Um, I'm not doing well. Um, okay. Talk to me. I've been working, I've been dedicated. I love this company and where I work, um, I'm hearing some things I've been, I've brought to Adam's attention and Frank's attention that I felt for months that I've been targeted. I've complained about certain issues that have not gone addressed by them. Um, usually Zoom calls. Usually Zoom calls are recorded. I am asking you guys to please, please ask Frank for the recorded Zoom call because I was not inappropriate. I spoke with Frank on something, Kyle. His interpretation was that all I did was ask the, the, the, the owner and he was fine with it. He told Frank, let her ask the questions. He didn't want anything discussed behind the scenes. He wanted to address it because this is some of the mayhem. Now, when I got to this company, I was told something totally different and walked into a pile of things that I didn't expect to walk into because I was told one thing and then Henry did a a, a total second job. I've been okay with it. I've worked through it. I've been setting up the MRI system that has not been set up to work, do commercial, which is, it's been extensive work. Kyle, I've been dedicated. I am very passionate and everything that I do, I was not inappropriate on that call yesterday, on Wednesday, rather whatever the, the owner.

Kyle Maldiner (02:02):

Yeah. Tell me, by the way, not all zoom calls are recorded. I will ask the Thursday recording of that call, but not all of them are recorded. You have to affirmatively take, take a step to record your call zoom.

Kimberly Hyatt (02:20):

Um, oh, oh, what was the question? Okay, it was, Adam told me he spoke to Frank and Sebastian. There was several other people within in the company. Now, Frank was upset because I, he told me what he saw, but I wanted hear from the client to get it correct because Kyle, since I've been here, 70% of the information that MRI is incorrect. And I have been correcting it and I have been settling these accounts and everything to that. I can show you the emails, the work that I have put in. I am not half doing anything. Everything is done in its entirety with every fiber of my being. Okay? I'm setting up this, the, the recoveries, the taxes, the cam through mri, these things should not be built through spreadsheets. So I've been ruffling feathers because now you have to do your job to the capacity. You gotta put these things in MRI for everything to calculate, to run correctly. So I know that I have been a target and I have had this conversation with Adam. Kathy does not like me at all. She's been rude to me from, I have gotten here. I have asked for directions, protocols, procedures. I was told figure it out. Cause nobody walked her through it. Adam, Frank, I can send you the emails that I have voiced my opinion on certain things I have gone ignored. Now, I was not rude on that call. I explained to them I would like you guys to even talk to Matt, which is the owner, because this is my job, my livelihood. This is something I love. And for to be accused, you know, of something you know of, of, of that statute, Kyle. I mean, they're saying

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the owner was offended. I mean, everything. He asks what I've given and he said thank you and everything. I, I mean, I will just, I mean, this is my job and I don't need someone feeling, because I wasn't overriding Frank. I am the one reading these leases. I've been a paralegal for over 11 years. I interpret these leases. And the reason why I wanted to ask a client itself, because we have other several leases. When I tell you 70% of these releases have been entered in the system wrong, Kyle, since I've gotten here, it doesn't look make Kathy look good because Kathy was doing them. I try not to bring attention to her. I correct them. But everyone, uh, is aware of this, everyone. So I've been doing my due diligence. I've been cleaning up the a the AR is totally from when I started to now come. You can tell you, you can know, and I'm a little hurt because of everything I've done, and I've been praised all this time by upper management, a phone call that someone interpreted because I, I wasn't overriding Frank, I just wanted from the client because we do have other leases from them. And if, if I'm, I'm the one entering them and interpreting it this way, I just wanted to know and understand and get a clear understanding because at the end of the line, we're gonna have a problem with the client if it's still not right. So why would I want, I want clarification from the client. I understand what Frank said, but Frank are not, Frank is not analyzing the leases and entering it. And I understand you're the cfo and I had a com I wasn't trying to overstep, but we had Matt on the phone. We had Matt on the call. That was the only question I had. I apologize. And explained to him, I'm not, you know, I'm not trying to be rude or I explained to him my position as to why I am asking. And he was perfectly fine with it. But Adam, tell me Mitch and Brian Peters have an issue and they weren't on the call. So I don't understand how that decision can be made of me being terminated, Kyle.

Kyle Maldiner (06:33):

So give me a second. Tell me about the conversation you had with Frank on Tuesday afternoon.

Kimberly Hyatt (06:41):

He told me, what Frank said to me was, um, Frank was telling me how, you know, it reads. And I said to him, I said to him, I, I understand how you interpreted to read, but Frank, we have a lot of these other, you know, days. And he said, well, you know, basically, well I'm telling you this is what he reads likes, you know. And it's like, okay, you're telling me that's what he reads. Like, but I am still not understanding as we have others like this. It wasn't explained to me. It was just, this is what it is, this, that's just it. And knowing that Frank does not do this, knowing Frank and not one entering it, I just wanted clarification because then it comes back down on me, Kyle, well who entered this? This was entered wrong.

Kyle Maldiner (07:33):

So when you, when you ended your conversation with Frank, did you say to him, I really don't agree with you, Frank, we'll, we'll ask the client tomorrow?

Kimberly Hyatt (07:45):

I don't remember, but I do know my phone records. So I would have to go back and listen to my phone recording that I cannot confirm right now. But Kyle I can listen to it cause my phone records and let you know what or forward you, I can email you the call that I had with Frank. Okay.

Kyle Maldiner (08:04):

Okay. That, um, can you go ahead. So when you got off that call with Frank, right? Did he say I need to call Adam because I have a fundamental disagreement with Missy all on this?



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Kimberly Hyatt (08:21):

Um, no, I, I did not. Um, Adam was on the other email. So Adam saw it was a discrepancy because it was in emails as well. I know Adam was in the city running around that day. So Adam was CC on everything until the point where Frank says, cam, I'll call you. So Adam saw everything. Adam was on the emails. I always keep him on there and Frank calls me. So after Frank calls me and everything, I know Adam would get back to me. Cause he usually does. He saw the email change. They'll call like, okay, Kim, what happened? He never got back to me that day. He got back to me yesterday.

Kyle Maldiner (09:03):

So did you say Frank? Well, hi, let's just, let's just ask the client so, when we're on this call,

Kimberly Hyatt (09:09):

to be honest with you,

Kyle Maldiner (09:11):

did the call, was, did the call come up at all?

Kimberly Hyatt (09:15):

No, I asked him to schedule it because I was having a problem with setting up the Zoom. The call did not actually come up at all to my knowledge. I will look again, I will listen and I will send it to you. But Frank has a habit of trying to shut me up and not let me finish what I need to say. It's like, no, no, no. Yeah, no, no, no. It's alright. No, we're gonna do this, right? No, no, but Frank can hear me out. I do know what I'm talking here. I'm, I'm, I'm actually was in the thing of setting up. The taxes are crazy as it Kyle, you guys have a system. You guys have been spending thousands and thousands and thousands of dollars for that has not been set up correctly and it's not being used. Not even 30% in its entirety. I might have it up to 60%. I am good at what I do. I am passionate. I love working here. Adam and I had a good relationship. I'm just a little bad for the why. Mitch and Brian Peters, who I heard that has praised me so much is stating an issue with me all of a sudden because this is the first time I'm hearing anything from them.

Kyle Maldiner (10:29):

Well, I don't, I don't think that it is an ongoing issue with you. I think that Brian has looked at it and he has probably more experience through real estate than all this put together and completely agree with the interpretation of the provision. As, as does everybody else have the same interpretation of the provision? And, um, has experienced people saying it was the most embarrassing phone call we've ever been on in the professional.

Kimberly Hyatt (11:07):

But Brian was not on the call.

Kyle Maldiner (11:10):

But he heard people that he knows that they're not prone to melanoma who are reacting to their experiences on that call. So while you may have thought that asking the client was the right thing, in hindsight, can you see that? It might have been a better thing to say to Frank. Frank, I don't agree. Let's ask the client tomorrow?

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Kimberly Hyatt (11:39):

But as simple as a mistake like that is gonna cost my job. I mean, I've cleared up thousands of mistakes here. One mistake, honestly,

Kyle Maldiner (11:51):

It, it sounds like you surprised him. Right?

Kimberly Hyatt (11:55):

But I didn't mean to, I mean, I mean to lose my job over one of the mistakes since I've been here.

Kyle Maldiner (12:03):

It, it was a pretty big one. They had to call the client and make sure that the feathers weren't ruffled, which, those are my words, not theirs. But I know that

Kimberly Hyatt (12:19):

Because I asked them a question. I understand that account, but because I asked the question, not that they get that, um, Mr. Lovallo gives them lease from January and Sebastian and Isha doesn't give it to me till April to process. That's not, that's not jeopardizing this client's relationship? What about the leases that, that was given from 20, 20 April, August that no one gave to be processed on this end from Isha and Sebastian, whoever handles the account, I can only process what I have. So these things that's been going on that I've cleared up, those, those things haven't jeopardized the relationship? And all these times, this is why this meeting was, there was a lot of things that fell through the cracks that I had no knowledge of. And to begin with that Kathy had, oh, Kim will take care of it. Kim say, I don't know. You didn't walk me through or told me anything. It's sometimes it's not just easy to look for the information. Everything is a mess here. These are counselors are mess. I've tried to clear it up, but I'm seriously doubting the conversation because I asked the tenant or his interpretation on the base here of a, of amendment caused a jeopardy of the relationship when these accounts have been a mess. Long time previously before me.

Kyle Maldiner (13:39):

So let me ask you, do you remember exactly what you said? I mean, did you tell them I know what I'm doing?

Kimberly Hyatt (13:49):

No, I never said that.

Kyle Maldiner (13:50):

Did you tell them? Did you tell them they were wrong? No, I never said no, no. I'm a I'm a paralegal. I know what I'm talking about.

Kimberly Hyatt (13:58):

No, I said, I just, I said I've been, I said I'm a paralegal. I never said that. I said I've been a paralegal extracted leases in this field for 11 years. And the interpretation I received it would start the next year. So I just wanted to understand. That's what I said. I never said.

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Kyle Maldiner (14:17):

To get a better form of understanding after Frankie extended time explaining it to you?

Kimberly Hyatt (14:26):

Frank didn't explain anything to me, Kyle. That's what I'm telling. He just told me, well, that, that that's what it is. It's supposed to start as if a friend, it's not sup. I don't, I don't, I don't, I don't believe it should.

Kyle Maldiner (14:45):

Here's what I would say. Nobody disputes that. You've a very nice job through mri. It was, it was welcome contribution. But you've now got a team of people who you need to work with you who will not work with you. You embarrass them in front of a client. And that's one of those things that is really tough to recover from. It's really tough to recover from. They were embarrassed.

Kimberly Hyatt (15:35):

So because they're embarrassed because others have dropped it, but they won't. Okay, no problem.

Kyle Maldiner (15:40):

They won't work for people. That's, that's tough. I'm putting words in their mouth, but from what I heard yesterday, people are really angry about how you conducted yourself on their call and they're afraid that the next time they'll do the same thing again.

Kimberly Hyatt (15:59):

But I don't understand what they mean if by conducting myself, because I asked the question, I asked them respectfully. I was yelling. I wasn't screaming. (Yelling voice) I mean, when you guys say conduct, you guys make it seem like I would, how, I just wanna know what it is about.

Kyle Maldiner (16:14):

Nobody, nobody said anything about yelling. What you just did was not yelling. What I'm saying is conducting, if I'm in a meeting and somebody on my team who I was told, and I'm, I use the term team loosely and I say to somebody, okay, when we go on this call tomorrow, this is the position that we're taking for Rose. I'm going to expect that everybody's gonna be in the same place in the conversation. And for somebody to use that as an opportunity to say, here, here's what I would tell you. If somebody in my meeting looked at me and said, I've been, I've been a human resources for 11 years and I've never seen this interpreted this way before, that they might feel they're just stating a fact that sounds like they're saying, I know more about this than you. I'm challenging your interpretation. That's not a call. The meeting was not arranged to further discuss the issue. The meeting, as I understand it, and you can tell me if I'm wrong, the meeting was intended to say, we're on the same page. I'm moving forward.

Kimberly Hyatt (17:34):

No, that was not. The meeting was to reconcile all this other issues with the accounting that Sebastian.

Kyle Maldiner (17:42):

how'd this come up then?

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Kimberly Hyatt (17:43):

I asked because that was one of, we had several issues with this tenant. This is the thing, the client had several issues with several other accounts. This was just one of them on the plate. It wasn't just, this was a specific call for this specific account. It was several other accounts. It wasn't just for one thing. This, it was several things missing. Kathy went and billed after I went and did the amendment, 39,000 in real estate taxes that I knew nothing about it. It, DePaul was a lot of things in addition. It wasn't just that the email specified, it was, it was several things that would be supposed to be addressed in yet it wasn't just that.

Kyle Maldiner (18:31):

Have you ever gotten feedback about what would be a good communication before?

Kimberly Hyatt (19:31):

No. Adam or no one said anything to me. I try to make it my business, you know, I try not dictate things because it is, you know, it, it's, this is what it is. Adam and I, you know, spoke about that I've, I, I've had some really, really offensive emails that has been ignored even when I raised an issue, Hey, this is, you know, I have too much work to do to trying to make an issue outta things at times. So that's not definitely what I try not to do. You know, this is something definitely that Kathy spoke to me totally, totally rude. And you know, I asked, she did it publicly in front of clients to me, in front of the owners of, what is the name of the p the spitz, the portfolio. And she was rude. Rude. And I brought it to Frank. What did she say in the email? Um, she was like, oh, Kim did that. And I'm like, respectfully, I took Emma off the email and I was like, Kathy, I didn't do this MRI stating, and you did it. And she's still saying, oh, and I'm, I had to screen. I said, Kathy, I know nothing about this. I wasn't like you did this. So this was in internal check between us. And she goes and writes in an email to the client, everyone. Oh yeah, Kim didn't take care of this one. I took, so I went to Frank.

Kyle Maldiner (21:19):

Do you have we have the email and stuff?

Kimberly Hyatt (21:21):

I have them, but it seemed like you guys locked me out. All my email. I have everything. Okay. That's been sent to Frank, or that has been sent to Adam about rudeness. I asked Frank and them for an apology from Kathy. I still have not gotten it. I trust Adam a few weeks ago about something Kathy did. Totally offensive, totally rude in the email. And he didn't even respond back to me. So when I tell you I've made, when I first got here, I wanted to know how Rose do things. They're, you know, roles and procedures here. How do I go about doing things? I was told by Kathy. Well, um, nobody showed her, you know, you're just gonna have to wing it. And that's what I've been doing. I put that in email writing and everything. You know, I, I can't even get into everything and was telling me I'm locked out of my email. I can't even forward these things to my own email, which I feel upset about right now. Because to be expressive, you know, to have these things and it goes ignored over and over. And as much as I love working for Rose and, and, and was dedicated, you know, I mean the accounts cleaned up. I did as was told because it's too much. This one says, this one says that it's okay, it's a three ring circus here. To be honest with you, Kyle, it's very unorganized. I have tried to clean up procedures and protocols and do these things. I get a lot of kickback. Who do she think she is? I'm hired to do a job and I'm doing it my capability. I don't mean to rough feathers, I don't mean to make anyone look bad.

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Kyle Maldiner (23:10):

Okay. You never came to me.

Kimberly Hyatt (23:16):

No, I went to management first. And honestly, I was really, a couple weeks ago when I was so upset, I was waiting for Adam before I went over his head. Cuz I was gonna go have a conversation with Tanisha.

Kyle Maldiner (23:29):

It's the deadline. Well, Tanisha would've told you to go have, have a conversation with Kyle. I, she's just recruiting.

Kimberly Hyatt (23:35):

She did, see, I'm not, I'm not aware of these things, Kyle. I come in, I work, I, I

Kyle Maldiner (23:41):

it's okay. But you, you didn't, you didn't have a chief conversation with Tanisha though either, right?

Kimberly Hyatt (23:46):

No, just my manager and Frank. I had with Adam and Frank in via email regarding certain things.

Kyle Maldiner (23:55):

Okay. I can look at the email. So tell me about the conversation. You said there was a conversation that Kathy embarrassed you and front the client.

Kimberly Hyatt (24:08):

That's Kathy with me all the time. Nicole? Uh, it was via email. Via email. I definitely brought it to Frank's attention. I brought it to Adam's attention.

Kyle Maldiner (24:18):

Who's the client?

Kimberly Hyatt (24:19):

Spitzer.

Kyle Maldiner (24:21):

Okay.

Kimberly Hyatt (24:22):

Spitzer. Um, can I even look, I don't even know if I, let me look. It was Spitzer. I can tell you the date.

Kyle Maldiner (24:31):

No, you're probably blocked out. Which by the way is, is our normal protocol. It's just, it's not, it's not concerned about you in particular. It's just our normal protocol. I had somebody once do without

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something that they should not do after a conversation. And I just, ever since then, I don't, don't run the risk of somebody doing it again. Somebody I, I couldn't have imagined would've done it. But so unfortunately everybody has been saying little reply to them, so apologize for that. But I'm gonna, I'm gonna look at the email, take a look and if you have a recording of that conversation, I'm gonna look for a recording of the meeting. You're gonna look for a recording of the, the conversation.

Kimberly Hyatt (25:14):

How does this work with my medical benefits and everything, Kyle? Because it's the first I have my daughter just, I mean, is it effective?

Kyle Maldiner (25:22):

So here, here's a little bit of good news for you. Um, there was some legislation passed that said anyone who loses their health insurance from April, I think it's April until September, we'll have their health insurance paid for. So your health insurance will be paid through September and by then, let's keep our fingers crossed. You'll be well on your way to your next employment.

Kimberly Hyatt (25:45):

So I will keep the same medical coverage I have now.

Kyle Maldiner (25:51):

Yes. Now what you need to do is something called Cobra. Have you ever taken Cobra before or October before you gone?

Kimberly Hyatt (25:58):

No.

Kyle Maldiner (25:58):

Okay, I've not, you're gonna get some paperwork. You um, when, um, hold on one second. I just wanna, uh, totally different situation. Let's see, I am, uh, at call. Cool. And I talk with you. I'm doing this one handed, sorry, two. Nice. Okay, so you are gonna get some paperwork. It's called Cobra, capital c o e r a paperwork. You need to complete the application for your coverage to begin or continue if you get that paperwork. And now let me step back. Your health insurance ends on your last day or month and we return to today evidence your health insurance will end on, uh, May 31st. If you don't submit your paperwork until June 15th, your coverage is retroactive back to June 1st. So just make sure when you get that paperwork that you completed, but you have any questions at all, when you get that paperwork call either me or Jorge and we can walk you through what's going on and how to complete the form. Does that make sense? Okay. What other questions do you have?

Kimberly Hyatt (27:46):

Um, I, I don't know. Cause this, I was not expecting this. Nothing was going. Um, I at all. Um, how does it work with whatever vacation days and sick days and stuff I have? I mean, how's, how does

Kyle Maldiner (28:03):

we never pay out sick days and when somebody leaves involuntarily, you do not pay out vacation days.

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Kimberly Hyatt (28:14):

I wasn't asking to leave me left with, you guys are letting me go.

Kyle Maldiner (28:18):

I understand. I understand.

Kimberly Hyatt (28:23):

Um, so I guess I, I I will, I have a problem with at least trying to collect unemployment.

Kyle Maldiner (28:30):

This is what I tell anybody that goes for unemployment. I will, you will complete your phone. They'll send something to us. They will ask us why you're no longer here. They'll ask for argue. I will tell them the circumstance that occurred. They meaning the state makes a determination. I don't make the call. I, I would, I would tell you that it's been my experience that they try to give unemployment benefits, especially these days to anybody. But that doesn't, that doesn't speak to what they will do in your situation. So just explain to them as you have explained it to me. I will explain it as it has been explained to me and the state makes a determination.

Kimberly Hyatt (29:20):

Okay.

Kyle Maldiner (29:28):

And what other questions do you have for me?

Kimberly Hyatt (29:31):

Um, that call had several people on it. Other people. Can someone speak to the others?

Kyle Maldiner (29:38):

I mean, so tell me, tell me who from Rose was there? There was Frank.

Kimberly Hyatt (29:43):

Frank, Isha was on the call. Kathy was on the call.

Kyle Maldiner (29:49):

Um, you want me to ask Kathy? (laughing)

Kimberly Hyatt (29:54):

No, no. Kathy Isha was on,

Kyle Maldiner (29:56):

I don't mean to make light of it,

Kimberly Hyatt (29:58):



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but Isha was on the call. Umay was on the call. Usually Lynne was on the call. Um, again, Adam has always told me, Brian is talking good things about you. So, you know, I haven't had anything with Mitch or I haven't had any discrepancy with Mitch. Anytime Mitch asked me for anything, I'm stopping what I'm doing and giving them what they need. So I don't see how they could be upset with my performance. I understand things happen, but you guys are really throwing away a good worker.

Kyle Maldiner (30:33):

Here's what I would say, and I don't, I don't know if this will make it any easier for you. I've heard very positively about your understanding of MRI and your implementing promises and committing policies and procedures. There are some mistakes where, do you agree that it was a mistake to ask the question? It is perceived by others to be right?

Kimberly Hyatt (30:58):

But I mean to cost me my job though, it's some mistakes a mistake.

Kyle Maldiner (31:03):

There are, but there are mistakes that it is difficult if not a possible to recover from.

Kimberly Hyatt (31:09):

I don't know who Lou is. Is Lou part of our team? Lou Bonta? Yeah, he is. Okay. Lou was on this call, Isha was on the call. Lynne Green was on the call. Sebastian was on the call from Rose and Frank.

Kyle Maldiner (31:26):

Geez, what's the crowd? So I've got Frank Eha, Kathy Linne. Lou Sebastian?

Kimberly Hyatt (31:33):

Yes.

Kyle Maldiner (31:34):

Okay.

Kimberly Hyatt (31:37):

I didn't, and I explained to her, I'm not trying to send you guys, I'm just trying to understand. So we don't have this issue going forward because as Taylor said, these accounts are a mess. They've been a mess for over some time. She's been trying to clean it up and I assured her at the time that, you know, since you said that,

Kyle Maldiner (31:54):

you said that on the call?

Kimberly Hyatt (31:56):

No, I sent this in an email to Taylor. Taylor? No, Taylor said this. Oh, and this is what Taylor was saying. Saying, and Taylor was,



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Kyle Maldiner (32:04):

I'm sorry, who is Taylor?

Kimberly Hyatt (32:05):

Taylor's the accountant.

Kyle Maldiner (32:08):

Oh, okay.

Kimberly Hyatt (32:08):

Taylor is their accountant. And um, this is what she's saying. And I told guys I'm sorry and I've sympathized with her, you know, but you know, since I've been here, I've been definitely, once it's being brought to my attention, I definitely, you know, have been, you know, working to clean up and, you know, do all these things. So, you know, I let her know that I'm definitely here, I'm working with you guys to get this resolved, but if I'm, if, you know, if I don't get a lease till make the process, I'm backdating everything. So it's messing up the books. I don't know why those things happen, but it seemed like, okay, blame her <laugh>, pass it to her, you know, and it's like, I don't mind, but I just wanna do the best job I can and I get it. But you know, there's a lot of errors I find between Kathy and Frank. So between you and I, would I be confident to just say, Frank, tell me this is what it is and stuff? No, not likely because it goes, it's gonna come back to me. Well, Kim, you the one entering it, you the one reading it, you the one interpreting it. But Frank said, I get you, but that's another catch 22 there too, Kyle.

Kyle Maldiner (33:22):

But that's when you call Adam and say, Adam Frank is telling me this, and I disagree.

Kimberly Hyatt (33:29):

Adam was aware Adam, Adam was aware. Adam just didn't leave his email.

Kyle Maldiner (33:35):

But Adam was aware that Frank had a conversation with you mm-hmm. <affirmative> on Tuesday night?

Kimberly Hyatt (33:39):

No, he said that. No, Frank didn't. Yeah, that's, that's okay. I think, I think that's part of what's compounding the problem is that Frank had a took time to explain to you our position and you still challenged it on the call when everybody else agreed on the approach. You were still questioning it. I think that's part of the problem. And if, and you know, hindsight is 2020, but if you have, you're gonna go into a meeting with that many people on the call and you have a fundamental disagreement about something that's important, I would've advised you to make sure it was on Adam's radar before you went into that meeting. It's easy for me to say that Kimberly, because I wasn't there. I'm not fully informed with from my chief seats. That's what I'm, I'm seeing

Kyle Maldiner (34:50):

from your chief seat. Just What's that?

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Kimberly Hyatt (34:53):

I'm sorry, what did you say?

Kyle Maldiner (34:55):

I said from the cheap seats in my chief seats. I mean, I'm, I'm not an insider all this, I'm outside. I'd have no vested interest in the, the outcome other than losing an employee that will, um, you know, need to replace and need to say goodbye to. Um, and I don't have any vested stake in, in one outcome of the other. And what I see is somebody that sat with somebody who's very senior in our organization, fundamentally disagreed and carried on the disagreement in front of the client. And I've been on a number of client calls, even in an HR perspective. I've been on client calls about different things and the importance that we place in going into that call with a unified front. This is how Rose feels about it. That's fundamentally important. All right. And thank you for your it. Listen, I I've heard the positive things too, Kimberly. Listen, you know my number if you get off my phone call and you're like, Kyle, I found the, the recorded conversation, or Kyle, I have this, or Kyle, please check this or try talking to this one. You have my number. Don't hesitate to call me. No. What is after like six 30 at night? I might not pick up, but <laugh>, I'm, I'm your resource. Say it again.

Kimberly Hyatt (36:30):

I appreciate that, but I still lost my job. You know, it's not gonna give you back my job regardless. I mean, and I would, I would, if you could, um, look through the email. Look through the email. Uhhuh <affirmative>. Um, I know for one, the last one I sent to Adam, I forwarded to my email at home. So I know I have a copy of that. If you don't, um, can I have your email? Sure. It's k n a s in Mary, a l d as in David, K N l a l d as in David, l n as in Nancy, e r. So it's k m a l d e i n e r mm-hmm. <affirmative> at Rose yc. Yep. So when I get the phone, do I put in for my, I can't even go into edp?

Kyle Maldiner (37:29):

Yes, you can. What will happen is, Jorge, I will let Jorge know as soon as we're done and can I get your personal email? He'll send you a personal email. He will put that into ADP so that you can log into ADP I think for like three years or something. Okay. Um, what's your, what's your email? Uh, you could use k i m n k i m m h y a t t h y a t gmail.com. No periods? No, just Kim with two M's Hyatt h y a t t gmail.com. Okay. Okay. Um, you know what, so you don't, you can continue to access it just to look at your records. Um, but if you wanna give me your hours, I can just tell 'em what the hours are. Do you know off the top of your head what you did?

Kimberly Hyatt (38:24):

Worked Monday through I work three hours overtime, not concluding today, I've been on the clock. Okay. Tell me Tuesday I go ahead.

Kyle Maldiner (38:33):

Oh, let's start with Monday.

Kimberly Hyatt (38:35):

Monday I work eight to five. I usually don't take lunch, but I never take lunch, but I don't put in for it because I'm working from home regardless.

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Kyle Maldiner (38:46):

So you just kinda work straight.

Kimberly Hyatt (38:47):

Yeah. To honest you,

Kyle Maldiner (38:49):

you would work eight to five, which, which would be a nine hour day.

Kimberly Hyatt (38:51):

Yeah. Without no lunch most of the time. Sometimes I go out, but I don't put in for it because I'm working from home and I don't wanna ruffle no feathers with hr. Like, oh, she's telling me she's working nine hours straight. I at least to put in for my lunch regardless if I work through it or not, but Okay. The other day is Tuesday, Wednesday, yesterday I work from 7:00 AM to five.

Kyle Maldiner (39:11):

Mm-hmm. <affirmative>. Alright. And we'll pay you for the full day today.

Kimberly Hyatt (39:24):

Okay. So you said I'll have access to ADP at a later time?

Kyle Maldiner (39:29):

Uh, no, actually I'm gonna, as soon as I got off the call with you, I'm gonna reach out to Jorge and ask him, Jorge Miranda, and ask him to adjust your adp um, record so you can access it and then send you an email. Gwin that's done.

Kimberly Hyatt (39:43):

Okay.

Kyle Maldiner (39:44):

All right.

Kimberly Hyatt (39:45):

All right. I thank you so much.

Kyle Maldiner (39:48):

You're welcome. I wish it was a different out outcome. I, I truly do.

Kimberly Hyatt (39:53):

Um, but, um, please go through the emails and I'll send you the one that I know that I forwarded because, you know, it was like, okay, you know, I don't wanna, it's hard to go to HR because I still have to work with these people. So it, it, it's, it's kind of, you know, you're reluctant. You really wanna be careful before you just jump and go to hr. But I've been so busy, I've been so busy and overwhelmed. I

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know the new taxes is coming up. I'm trying to revise and get all the taxes together before the new tax bill. So even today with arranging, Adam told me to send you that email from about Tuesday or so. I just been so overwhelmed with work trying to clear up those accounts and everything because Kathy whole attitude is she's here, she'll do it, figure it out, it needs to get done. And that's how I've been handled since I've been here. I've let Frank know about it. I've let Adam know about it and it's just been like, I've been ignored on that, even about her embarrassing me and I need an apology I've never gotten.

Kyle Maldiner (40:58):

Okay. Okay. I'm gonna look for all that and, um, if I have any questions, I know how to reach you and you know how to reach me.

Kimberly Hyatt (41:08):

Uh, thank you. Y

Kyle Maldiner (41:10):

ou're welcome. You will all.

# EXHIBIT K

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Adam Heaven (00:00):

Hi, Kim.

Kimberly Hyatt (00:13):

Hi Adam. Mr. Lovallo. I emailed him to apologize. He is shocked, he is baffled. He never complained and he is shocked to know I am no longer with the company. He said he was not offended in all, at all.

(00:15):

I, I, I sent it to Kyle. Um, I'm waiting for him to confirm that she got it. Um, I sent you a copy from Mr. Lovallo himself

Adam Heaven (00:39):

And, and I appreciate that, but I, I don't think it's, it's matters, I mean, while we're concerned about that is it's more about how the ROS team and the members road team reacted and, and their, their takeaway from the call. That was really the fact that, um, you know, whether I think six or seven people from Rose on the call.

Kimberly Hyatt (01:03):

Right. But you only spoke to two people on the call, Adam

Adam Heaven (01:07):

Spoke to two people. The feedback that I got correct and the feedback that I got was, was not, not good.

Kimberly Hyatt (01:18):

Not the fact that I'm stepping on toes or I'm, I'm clearing up a system that is such an a mess that people feel away that has nothing to do with it. When the owner, cause at first what I was told by you and Kyle, the owner was felt away and the owner doesn't feel away. He, he was never offended at all. My thing is to do my job. If I have to ask the owner a question, which this is what it was all about, like I shouldn't have spoken or said anything. So I'm now confused of my reason of being terminated. I need that in writing. The specific reason why I was terminated, because I was told before it was because the client and I jeopardized that relationship. I have it in writing from him that that was not the case. So I, if you can possibly, or I'll ask Kyle, I need to have a definitive in writing. What was I terminated

Adam Heaven (02:08):

For? The reason was due to the behavior on this call, and again, I can't speak to it because I wasn't there first person. That is what I been told by people Rose, that were on the

Kimberly Hyatt (02:28):

Because the only two people that was on that call was Sebastian and Frank because Ryan Peters wasn't on the fourth call nor Mitch. Am I correct?

Adam Heaven (02:36):

Correct, correct. Okay.

Kimberly Hyatt (02:37):

This transcript was exported on Apr 11, 2023 - view latest version [here](#).

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I just wanna make sure I have my, my facts straight on there. Okay. All right. Adam, I thank you. You

Adam Heaven (02:44):

So you know who was on the call. You was on it.

Kimberly Hyatt (02:46):

No, I just, I just, I just wanna make sure I have it correct. I thank you for your time, Adam.

# EXHIBIT L





Kimberly Hyatt <kimmhyatt@gmail.com>

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**Re: Stahle Accounts with Rose**

1 message

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**Kimberly Hyatt** <kimmhyatt@gmail.com>  
To: Matthew Lovallo <MLovallo@stahlre.com>

Fri, May 28, 2021 at 4:55 PM

Thank you for your kind words Mr. Lovallo. I greatly appreciate it. I just couldn't understand what was said during the to have Frank or Sebastian so offended that they told HR and my manager that I jeporized this account from being managed by Rose. I truly do apologize for disturbing you.

Wishing you and your loved ones a wonderful and safe weekend.

Sincerely  
Kimberly Hyatt

On Fri, May 28, 2021 at 4:16 PM Matthew Lovallo <MLovallo@stahlre.com> wrote:  
I hope god opens another door for you and takes you on a better journey.

Sent from my iPhone

On May 28, 2021, at 3:14 PM, Kimberly Hyatt <kimmhyatt@gmail.com> wrote:

Yes. They fired me today say that I offended you. They said it came from Frank

On Fri, May 28, 2021, 3:04 PM Matthew Lovallo <MLovallo@stahlre.com> wrote:  
What??

I was not offended. I wanted to know why I was never connected with you? Sebastian never said work with Kim. Are you no longer with Rose?

Sent from my iPhone

On May 28, 2021, at 2:34 PM, Kimberly Hyatt <kimmhyatt@gmail.com> wrote:

Hello Mr. Lovell,

Hope all is well with you. I just wanted to deeply apologize if I offended you by asking clarification pertaining to the lease and how it was written. My intentions were to confirm and to ensure the accounts were being settled correctly as we had several other leases in your portfolio that read the same.

I am no longer a part of the Rose team as a result of this.

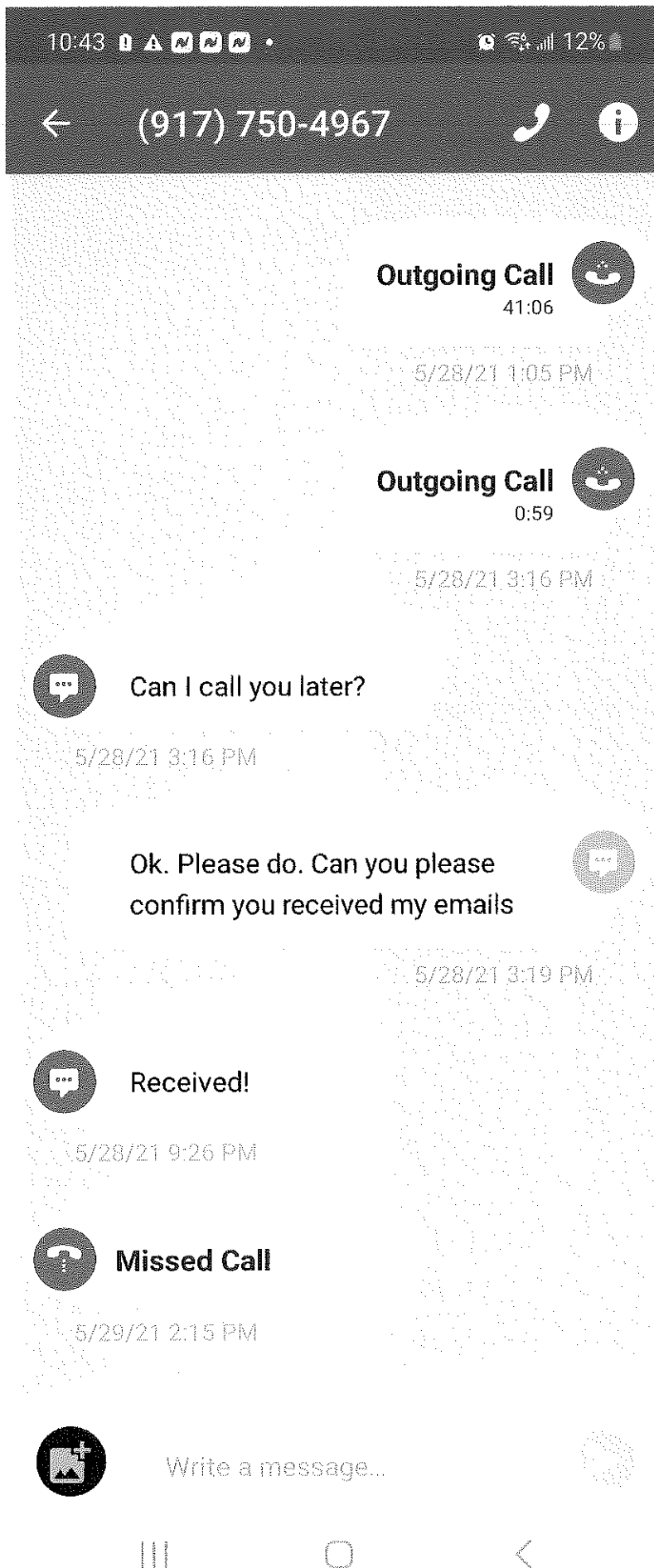
I am truly sorry if I offended you and your colleagues.

Thank you for your time.

Sincerely  
Kimberly Hyatt

EXTERNAL: This email originated from outside of the organization.

# EXHIBIT M





Kimberly Hyatt &lt;kimmhyatt@gmail.com&gt;

**RE: [Possible Impersonation Alert!] I'm truly sorry**

1 message

**Maldiner, Kyle** <kmalldiner@rosenyc.com>  
 To: Kimberly Hyatt <kimmhyatt@gmail.com>

Wed, Jun 2, 2021 at 9:12 AM

Kimberly – I strongly urge you to seek help from a mental health professional immediately. You are wrestling with a lot right now and a mental health professional will be able to provide you with the support you need. If you don't know who to call, I have a resource I can connect you with (at no cost to you) who will be able to provide you with some suggestions. Please let me know immediately if that would be helpful to you.

Kyle

**From:** Kimberly Hyatt <kimmhyatt@gmail.com>  
**Sent:** Wednesday, June 2, 2021 7:32 AM  
**To:** Maldiner, Kyle <kmalldiner@rosenyc.com>  
**Subject:** Re: [Possible Impersonation Alert!] I'm truly sorry

Good morning Kyle,

I did return your call over the weekend. You said you would call back and I didn't hear from you.

I do apologize if I have gotten the medical incorrect as I was overwhelmed by this shocking new. And what I have asked and learned about Cobra was the prices they charge are very high and almost unaffordable. Which made me even panic more.

Please understand that I had to prove my innocence as Rose did not or gave me any assistance.

The issues or an investigation should have been done or conducted before I was thrown out like garbage. Please understand my humiliation and hurt. The way Adam spoke to me like I was the plague or gum under his shoe after all the hard work and long hours. I just wanted to do my job. That was it. And they wouldn't allow that. I would never nor did I do anything ever to jeopardize Rose Associates or their clients as an employee. However when I did contact Mr. Lovallo, I was no longer an employee as I was dumped in the toilet.

I almost killed myself Saturday night! You dont know what I feel. And right now is a failure!!! I am tired..... My nephew was murdered 2 weeks after starting with Rose. I kept my personal and produced while my heart has been aching. My grandmother died last month and I have been filled with grief and regret as I made Rose and work a priority, working late and giving them my all that I kept putting off to see her and she suddenly died! I took a 1/2 of day to lay her to rest.

You guys don't even understand the mental anguish as the job kept me afloat.

On Tue, Jun 1, 2021, 12:55 PM Maldiner, Kyle <kmalldiner@rosenyc.com> wrote:

Kimberly:

It is no bother, and I apologize for not being able to connect over the weekend. I left a voice mail message for you, as well. I want to reiterate that we are looking into the issues you raised during our conversation last week. It will take a few days to do that. In the meantime, I am going to ask that you refrain from further communications with Rose employees and, more importantly, our client. It will make it difficult to conduct my review if you continue to reach out to people. In addition, I want to correct one point you made in your correspondence that included Amy Rose – your health insurance did not end on the date your employment ended. As you and I discussed, your health insurance will continue, at no expense to you, through the end of September. You are then able to continue it at your own expense for an additional 14 months. Just a reminder – you will need to complete the COBRA paperwork you will be receiving in the mail. Please let me now if you do not receive it by the end of next week. In the meantime, you are welcome to call me (917.750.4967) at your earliest convenience.

Best regards,

Kyle

**From:** Kimberly Hyatt <kimmhyatt@gmail.com>  
**Sent:** Saturday, May 29, 2021 10:58 AM  
**To:** Maldiner, Kyle <kmaldiner@rosenyc.com>  
**Subject:** [Possible Impersonation Alert!] I'm truly sorry

To keep bothering you but I am very affected by this as this was my livelihood! Especially when my all then some was given with every fiber within me. You asked me why I didn't go to HR and as you see from all my previous emails, I was trying to give them time to correct the issues, I was promised they would be addressed and wasn't. I rarely communicate with Mitch as I was told he is no longer responsible for Commercial ( which was all through email and have been pleasant) and I have barely a had a conversation with Mr Peter's to date. How was my dismissal was a result of my actions they have witnessed as I was told?

Not 1 tenant or client has file or made a complaint regarding my customer service or tenant relations how and why for the false and harsh accusations against me?

When Adam called me yesterday I was in the middle of billing taxes for building #230 and wanted to complete it before signing off and was totally thrown off by the phone call I didn't and couldn't process everything and had to go back and due my due diligence on this. With the evidence and proof provided I would like to possibly sit down with you and the CEO to discuss this and my job. The recording is proof and evidence I was not told NOT to bring up anything and that it would be discussed and to just fire me without even talking to me is the exact reason why I didn't come running to HR. Because I knew I did and it was questioned or investigated, it would be there word against mine. Even when mine is the truth I still lose. To give your all and fiber in you to receive this ill treatment is beyond devastating.

Kimberly



Rose Associates, Inc.  
**Kyle Maldiner**  
 Managing Director, Human Resources

# EXHIBIT N



Kimberly Hyatt &lt;kimmhyatt@gmail.com&gt;

**Kimberly Hyatt wrongfully Terminated off of LIES and HATE**

Kimberly Hyatt &lt;kimmhyatt@gmail.com&gt;

Tue, Jun 1, 2021 at 8:24 AM

To: ar@rosenyc.com, arose@rosenyc.com, jbp@rosenyc.com, bpeters@rosenyc.com, mgelberg@rosenyc.com, bspiegel@rosenyc.com, kmaldiner@rosenyc.com Bcc: jmiranda@rosenyc.com

Good morning Ms. Rose,

1st and foremost, I do have the utmost respect and admiration for you as I was hoping to learn and be mentored in what I thought would be where I would retire.

This was not the way I was planning to personally introduce myself to you, however your colleagues and unethical management team have left me no choice. For centuries white management has lied and has caused livelihoods, careers and sanity amongst educated people of color. I have been in corporate America since the merger of Chemical and Chase Bank. My journey as an educated Jamaican black woman has not been easy. I always lived by when you do good you get good. Society has shown me that is not true.

This position for commercial lease admin was available 2 different times before I came along. I read the unsettling reviews and still proceeded forward to apply only to find out myself the accusations pertaining to this company, their senior staff and how they treat their employees is true.

I was wrongfully terminated on Friday based on hate and lies that were told by Frank Balogh, possibly Kathy Panaro, Sebastian Acosta and possibly Adam Heaven. I am beyond devastated as I have paperwork and a voice recording to prove that I was fired based on lies. I am also attaching the recorded phone call from Adam Heaven as I was told this decision was from Mitch and Brian Peters as they do not want to work with me based on what they were told and heard. I was mentally disturbed and devastated as to my knowledge, my work relationship has been beyond limited with both but has always been pleasant and professional on every encounter.

I have made several complaints and concerns in writing to my manager and upper management regarding intimidation, rudeness, defamation, and not being able to ask management work related questions without being ridiculed. I was told many times that we were going to have a meeting and it was reported to upper management only to find out on Friday it wasn't.

I am emotionally raw, hurt, embarrassed and devastated by this as I have given and produced 1000% and have worked 910 hour days 80% of the time that I have been here.

I am a widow and the bread winner in my family. My 2nd child will be a junior at Spelman College and my 13 year old is scheduled to have throat surgery on the 28th. I have barely slept worrying about this and my medical benefits were terminated immediately. No questions. Nothing.... All for something I did not do.

I am truly sorry but I just needed to clear my name and reputation and to express the hurt, disrespect, and embarrassment you have caused a very good employee.

My hard work and dedication is irreplaceable.

FYI, I self taught myself MRI. I didn't go to class for it.

Sincerely

Kimberly Hyatt

**12 attachments**

 Frank Call.xspf  
1K


 Adam Call.xspf  
1K


 **Adam-Screenshot.pdf**  
248K

 **Kathy-2.pdf**  
195K

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 **Spitzer-2.pdf**  
188K


 **Kathy-1.pdf**  
190K

 **3.15.2021.pdf**  
186K

 **Spitzer.pdf**  
252K

 **email to Frank-2.pdf** 229K

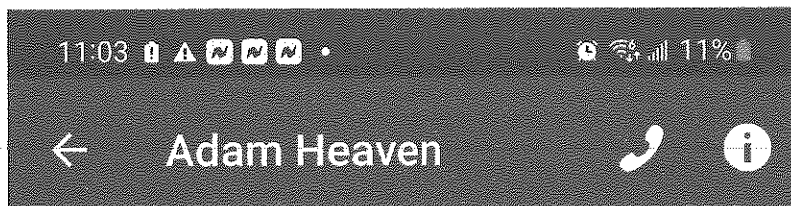
 **email to Frank.pdf** 269K

 **Adam-2.pdf**  
187K

 **Adam-1.pdf**  
186K



# EXHIBIT O



White privilege must feel good to know you got a bonus and raise you didn't earn! You can't even run a report without help you fucking snake. Taking credit for all my hard work. But that's what white people has been doing for centuries. Bothered that a black woman was smarter. You are a total piece of shit. And every dog has their day. Woof woof MF!!!! The next time you screw over great people. You will remember my name.

6/12/21 4:26 AM

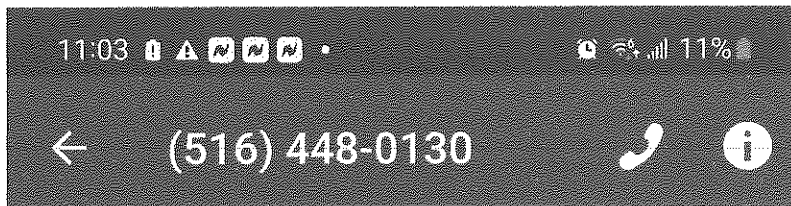
Yall cost me my damn 4 family house I was in contact with!!!! Cause now I have no income!!!!!! The attorney fees!!!! All beacuse of lies!!!! Lies!!!! You go to sleep just fine while my world has been trumped upside down cause of hate?!?!?! May your kids meet the same ill will and faith that you have caused me!!!!!!

6/12/21 4:30 AM



Write a message...





**Answered Call**

11:37

5/25/21 4:15 PM



**Answered Call**

0:16

5/27/21 7:23 AM

Every dog has their day. Woof  
woof MF!!!! The next time you lie  
on and try screw over great black  
people. You will remember my  
name. You piece of shit!!!



6/12/21 4:34 AM

Yall cost me my damn 4 family  
house I was in contact with!!!!  
Off of hate and lies?!?! Cause  
now I have no income!!!!!! The  
attorney fees!!!! All beacuse of  
lies!!!!!! Lies!!!!!! You go to sleep  
just fine while my world has been  
turned upside down cause of  
hate?!?!?! May your kids meet the  
same ill will and faith that you  
have caused me!!!!!!



Write a message...



# EXHIBIT P



Kimberly Hyatt &lt;kimmhyatt@gmail.com&gt;

**Re: Request for No Further Contact**

1 message

Kimberly Hyatt <kimmhyatt@gmail.com>  
 To: "Maldiner, Kyle" <kmaldiner@rosenyc.com>

Sat, Jun 12, 2021 at 1:34 PM

Since you did not do your due diligence on this. The client was upset and wanted to know why the books and accounts were not settled in the 1st quarter of the year as the leases and amendments were given then. I didn't receive these same amendments and leases until the end of April beginning of May. The tenant wanted to know why. I'm not going to take the blame! I explained to them via email that I process the information when it was received. Doesn't look good on Frank and Sebastian or Eshe. So I was inappropriate because I didn't take the blame for it??? Beacuse besides asking Mr Lovollo to please clarify q lease term and answered his question as to why everything is being processed late, there was NO reason to fire me. Please go through and review every email. Please don't lose any of them either as again. I refuse to be accused of something I did not do!!!!

On Sat, Jun 12, 2021, 10:34 AM Kimberly Hyatt <kimmhyatt@gmail.com> wrote:

Nice for you to finally get back to me. As I knew you would now. I asked 1 question to the client during a conference call. 1 question. My camera was off and a picture was display on the zoom. 1st you all stated I was fired because I was given direct orders not to say nothing to the client. The client stated I was not inappropriate. Please specify as to how asking a client to clarify lease term is inappropriate? Everyone has a reason to lie as they had leases since December and January that wasn't given to me to process until April and May! Thats why Frank and Sebastian is trying to throw me under the bus. They didn't want me to bring that up to the client.

Secondly,

All my correspondences has been through email. Please specify as to what inappropriate emails or behavior I have displayed previously? It was never brought to my attention. Lies, lies and more lies. I've been in the office 3 times. My phone records everything. No emails to me addressing this or management except on 4/26/2021 when Adam told me he thought my email was offensive and it was not as I was the one that was offended I that email. This is all a setup as I have been complaining and keeping records since January pertaining race, discrimination and harassment. Funny how all that went ignored.

You guys was just praising me and my work the Tuesday before you fired me the Friday!!! Please do not insult me any further! As I have been spoken to like garbage, disrespected by my own work colleagues and I have filed complaints. So the nerve to say I have been inappropriate is pure lies!!! I have swallowed so much and followed procedures! You will not do that!

Thirdly,

There is NOTHING violent in my messages. Pure facts! If so, please send the police to arrest me.

I need severance for the injustice here. As hard as I worked?!?!? The hurt and humiliation?!?!? All the complaints and calls I've made and now I'm the criminal. Ive worked and earned my vacation and time and the nerve not to even want to pay me that?!?!?

My text messages this morning is a hurt, embarrassed, emotionally distressed woman that has been ignored, violated and ridiculed. After 2 weeks of sitting around like a good puppy dog waiting to be treated fairly.... I GOT NOTHING!!!!!! NOTHING! Yet you fired in 2 days based off of management lies. And I can't even get a response as to why after I proved I was lied on!!!

\$504 can't do anything for me! Do you know how hard it is to find a job I this field!

My text message had nothing to with my work ethic. So to bring that up as the reason that contributed to Rose ill will towards me is BS. The text messages was lack of humanity towards a good employee.

Please provide a letter on Rose letter head stating my reasons for dismissal. And the incidences that lead up to my dismissal. Please go right ahead and file legal actions. Please do me that favor. As I would love to prove the fraud and illegal employment practices within Rose.

Thank you for your time

On Sat, Jun 12, 2021, 9:56 AM Maldiner, Kyle <kmaldiner@rosenyc.com> wrote:

Kimberly:

Your text messages to both Frank Balogh and Adam Heaven have been forwarded to me. In response:

1. Frank and Adam were both very supportive of you and advocated on your behalf. Your harassment of them is unwarranted and will not be tolerated.
2. I have spoken with the people on the final call with Rose's client and they shared two important themes:
  - a. Your behavior on that call was completely inappropriate and unprofessional; and
  - b. It was not the first time you had demonstrated inappropriate behavior, as is apparent from your communications subsequent to the termination of your employment.
3. Please stop all communication to Rose employees, save for myself, or Rose clients. If you fail to do so, we will take all appropriate and necessary steps to protect them from the type of verbally violent communication you sent to both Adam and Frank.

Kyle



Rose Associates, Inc.  
**Kyle Maldiner**  
Managing Director, Human Resources  
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